

(Unofficial Translation in Brief)

Child Friendly Governance: Respect to Child Rights Protection

State of Children in Nepal 2017



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प्रकाशक



नेपाल सरकार

महिला, बालबालिका तथा समाज कल्याण मन्त्रालय

केन्द्रीय बालकल्याण समिति

हरिहरभवन, पुल्चोक, ललितपुर

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लेखन तथा संयोजन: ज्ञानेन्द्र कुमार श्रेष्ठ

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मुद्रण: देवि प्रिण्टिङ प्रेस, शंखमूल, काठमाडौं

Glossary of Terms

BS	- BikramSambat
CAAC	- Children Affected by Arm Conflict
CCWB	- Central Child Welfare Board
DCWB	- District Child Welfare Board
DSP	- Deputy Superintendent of Police
ECD	- Early Childhood Development
ILO	- International Labour organization
FY	- Fiscal Year
JJCC	- Juvenile Justice Coordination Committee
MoFALD	- Ministry of Federal Affairs and Local Development
MoHA	- Ministry of Home Affairs
MoLJPA	- Ministry of Law, Justice and Parliamentary Affairs
MoPR	- Ministry of Peace and Reconstruction
MoWCSW	- Ministry of Women, Children and Social Welfare
NASC	- Nepal Administrative Staff College
NHRC	- National Human Rights Commission
NJA	- Nepal Judicial Academy
NPA	- National Plan of Action
SDGs	- Sustainable Development Goals (SDGs)
CRC	- United Nations Conference on the Rights of the Child

Summary

1. The Constitution of Nepal, 2015 has provided a remarkable space to the issues of child rights.
2. According to the 'Nepal Demographic and Health Survey, 2016, 36 percent of children under 5 are stunted, 27 percent are under weight (weight for age), and 10 percent are wasted. Similarly, under 5 mortality rate is 39 per 1000 children, infant mortality (infants up to their first birthday) rate is 32 per 1000 and neo-natal mortality (aged up to 28 days) rate is 21 per 1000 live birth. The total fertility rate (TFR) is found to be 2.3.
3. The Central Child Welfare Board (CCWB) has been implementing "Street Children Free Kathmandu Valley Campaign" for the last two years. A total of 593 boys and 63 girls (656 children) were rescued under this campaign in the Fiscal Year (FY) 2016/017 and, they have been in institutional care in different Drop-in/Socialization Centers. Among the rescued, 47 percent of children are aged 10 to 14 years, 38.4 percent are of 15 to 18 years and 15 percent are of age 10 and below.
4. According to the Population Monograph of Nepal 2014 (Part two) (Social and Demographic), 26.3 percent were already married among the children aged 10 to 18 years.
5. In the FY 2016/017, a total of 2,772 (1,047 boys and 1,725 girls) children were reported missing. Among them 720 (353 boys and 367 girls) were found and others are being traced/searched.
6. In the FY 2016/017, a total of 2,410 children at risk were rescued and provided with necessary relief, psycho-counseling, family reunification and social rehabilitation services as per their need through the Toll Free Child Helpline 1098.

7. According to the Women and Children Service Directorate of Nepal Police, a total of 1,131 rape cases were reported in the FY 2016/017. Out of these, 743 children were below 18 years and 211 children were of age 10 years and below.
8. CCWB through DCWBs has collected information of 47,570 children living at-risk in 14 districts mostly affected by earthquake. Of the total 48.3 percent were boys and 51.7 percent were girls. Among them 15,034 and 8,222 children were provided with necessary supports respectively by the Central Child welfare Boards and UNICEF's partner NGOs.
9. Among the 18,665 Children Affected by Arm Conflict (CAAC) and neo-youths of 20 conflict affected districts, CCWB has provided necessary assistance to 10,499 children and their families by the end of Asar 2074 (July 15, 2017). Out of them, a total of 8,673 have received educational assistance, 780 received psycho-social counseling and the rest 723 were provided support for income generation activities.
10. Regarding the access of children of ethnic minorities and nationalities to education, a total of 9,77,365 children were found to be admitted to ECD centers in 2072, whereas 9,73,413 children admitted in 2073. It is assumed that the lower number of enrolment can be because of decrease in population growth rate.
11. A total of 79 children were reported accompanying to their parents/guardians in 32 jails in FY 2073/2074, whereas such children were reported to be 93 in 34 jails in the previous FY.
12. According to the records of Department of Civil Registration, Ministry of Federal Affairs and Local development (MoFALD), a total of 72,1326 births were registered in FY 2016/017 against 6,00,796 birth registration in the previous FY. The department has been maintaining daily updates of vital registration through its website.

13. According to Ministry of Home Affairs (MoHA), a total number of 3,436 (1,769 boys and 1,667 girls) Bhutanese refugees children were found to be sheltered in Beldangi and Shanischare refugee camps and outside of these camps in the FY 2016/017. This figure was 6,192 (3175 boys and 3017 girls) in the previous FY.
14. According to the annual report of Department of Education published in 2073 BS, a total number of 64,660 (out of this 31,135 were girls) children with disabilities were enrolled in basic level of education, which is 1.08 percent of the total enrollments. This was more than 1,260 enrollments compared to the previous year.
15. In the FY 2016/017, MoFALD allocated a total amount of NRs. 79,33,12,773/- for the benefit of 4,27,420 malnourished, Dalit and children with disabilities. A total number of 4, 66,074 children were provided with social security allowance in the previous fiscal year.
16. In the FY 2016/017, out of a total number of 235 filed cases against child delinquencies, 162 (68.9%) were settled and the rest 73 (31.1%) are under the process. Out of the 162 settled cases, children were convicted in 119 (73.5%) cases. In the total filed cases, 347 children were defendants, in which 3 were girl child. In total cases, the largest number (127) of cases were related to rape.
17. In the FY 2016/017, 567 residential child care homes were in operation in 46 districts of the country, in which a total of 16,536 (8318 boys and 8218 girls) children reside.
18. In the FY 2016/017, 32 children (19 girls and 13 boys) of 7 districts, namely Dolkha, Banke, Kathmandu, Sindhuli, Bhaktapur, Kavre and Gorkha were found committed suicide as per the record of DCWBs, whereas in the previous fiscal year, 38 children (29 girls and 9 boys) of six different districts committed suicide.
19. In 2073, 36,093 ECD centers were in operation, in which 30,448 were community based and 5,645 were institutional school based. Institutional school increased 102 such centers in this year in comparison to that of previous fiscal year.

20. As per the record of Department of Education, the net enrollment rate (NER) in primary education reached to 96.9 percent in 2073, whereas the rate was 96.6 percent the previous year. NER at the lower secondary level reached to 80.9 percent in 2073 against 77.7 percent of the previous year. This rate for the secondary (Grade 9 and 10) level reached to 59.8 percent in 2073 against 58.6 percent in the previous year. Likewise, at the higher secondary (Grade 11 and 12) level of education, the rate reached to 18.2 percent against 16.4 percent in the previous year.
21. In 2073, total enrollment of students in primary education was 41,35,253 comprising of 20, 86,165 girls and 20, 49,088 boys. This number for the year 2072 was 42,64,942 with 21,65,386 girls and 20,99,556 boys. Net enrollment rate at the primary level found increased despite the reduction in the total number of students enrolled in 2073. This might be because of decrease in population growth rate.
22. Compared to the previous year, the total number of students appeared in the SEE exam increased by 8,238 in 2073. However, the number of students passed with GPA 3.6 to 4.0 decreased by 4,170 in number. Deteriorating learning achievement in grade 5 and 8, and also the reduction in the number of student securing GPA 3.6 to 4.0 in SEE indicate that there are some problems in terms of quality of school education. The devastating earthquake together with months-long Terai movement and undeclared economic blockade by India in 2015 can be considered as major factors to the deterioration of the quality of school education.
23. As of Ministry of Education, the total number of schools was 34,837 in 2073 which was less by 98 in number as compared to the previous year's total number of schools.
24. According to the information received to CCWB and 57 DCWBs, a total number of 6,661 children were misused by violating the election code of conduct before, during and after local level elections which were held in three phases. Out of these children, 4,704 were misused

before election, 139 on the Election Day and the rest 1,818 were after election.

25. In the FY 2016/017, 33.04 percent of the total budget was allocated for the seven ministries which have been implementing child related programs against 35.55 percent in the previous FY. Within this allocated budget, the share of budget to the child related programs was 15.12 percent in the FY 2012/073 and 12.62 percent in the FY 2016/017. Surprisingly, the allocation was only found to be 18.76 percent for those seven ministries in the FY 2017/018, and the share of it to the child related programs was seemed to be 4.85 percent.

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CHAPTER

1

INTRODUCTION

1.1 Background

Nepal introduced child welfare activities especially education and health since the beginning of planned development initiatives in the year 2013. After the ratification of United Nations Convention on the Rights of the Child (CRC), 1989 in 14th September, 1990 (Bhadra 29, 2047), noticeable positive changes in policy, legal, institutional and programming measures were made in line with the thrusts of CRC. The Constitution of Nepal promulgated by the Constitutional Assembly in 20 September, 2015 (Ashoj 3, 2072) has created a reassuring atmosphere for the rights of children. As in the past, this report has been prepared based on activities, updates, information of the FY 2016/017 and the latest statistics to the extent available.

1.2 Constitutional and Legal Provisions Related to Children in Nepal

1.2.1 Provisions related to children in the Constitution of Nepal, 2015

The Constitution of Nepal 2072¹ has well addressed the provisions of rights of children as their fundamental rights. In addition, there are specific provisions for rights of children to justice, education and health including rights of children in conflict with law and rights against exploitation. The right to survival, protection, development and participation of children have been ensured in 10 different clauses under article 39 of the Constitution. The constitution has laid emphasis on the best interest of children through the article 51(j). The Constitution is very progressive with the view point of the right of the child as it has clearly accommodated the provision of basic principles of child rights. The child rights related provisions are presented as follows:

1 The Year expressed in this document refers to Bikram Sambat (BS) until and unless stated otherwise.

(A) Article 39: Rights of the child

- 1) Every child shall have the right to name and birth registration along with his or her identity.
- 2) Every child shall have the right to education, health, maintenance, proper care, sports, entertainment and overall personality development from the families and the state.
- 3) Every child shall have the right to elementary child development and child participation.
- 4) No child shall be employed to work in any factory, mine or engaged in similar other hazardous work.
- 5) No child shall be subjected to child marriage, transported illegally, abducted/kidnapped or taken in hostage.
- 6) No child shall be recruited or used in army, police or any armed group, or be subjected, in the name of cultural or religious traditions, to abuse, exclusion or physical, mental, sexual or other form of exploitation or improper use by any means or in any manner.
- 7) No child shall be subjected to physical, mental or any other form of torture in home, school or other place and situation whatsoever.
- 8) Every child shall have the right to juvenile friendly justice.
- 9) The child who is helpless, orphan, with disabilities, conflict victim, displaced or vulnerable shall have the right to special protection and facilities from the State.

Any act contrary to clauses (4), (5), (6) and (7) shall be punishable by law, and a child who is the victim of such act shall have the right to obtain compensation from the perpetrator, in accordance with law.

In addition to the special provisions for children under the Fundamental Rights and Duties of article 39, other 11 articles are also related directly or indirectly to the child development and protection. Under the title of 'to be the Citizen of Nepal' in part two of the constitution, article 11(4) has stated that "Every minor who is found within Nepal and the whereabouts of whose father and mother are not known shall, until the father or the mother of the child is traced, be a citizen of Nepal by descent".

(B) Article 18. Right to equality

The following clauses under 'Right to equality' under article 18 are also related to children:

- 1) All citizens shall be equal before law. No person shall be denied the equal protection of law.
- 2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.
- 3) The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds.
- 4) All offspring shall have the equal right to the ancestral property without discrimination on the ground of gender.

The following clauses related to 'Right against exploitation' under article 29 also encompasses the issues of children:

- 1) Every person shall have the right against exploitation.
- 2) No person shall be exploited in any manner on the grounds of religion, custom, tradition, usage, practice or on any other grounds.
- 3) No one shall be subjected to trafficking nor shall one be held in slavery or servitude.
- 4) No one shall be forced to work against his or her will.

Act contrary to clauses (3) and (4) shall be punishable by law and the victim shall have the right to obtain compensation from the perpetrator in accordance with law.

Under the 'Right to clean environment' article 30(1), states "Every citizen shall have the right to live in a clean and healthy environment". This article may also perceive to be related to children.

The following clauses of 'Right to education' under article 31, 'Rights to health' under article 35, and 'Right to Social security' under article 43 are also related to children:

(C) Article 31. Right Relating to Education

- 1) Every citizen shall have the right of access to basic education.
- 2) Every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State.
- 3) The citizens with disabilities and the economically indigent citizens shall have the right to get free higher education in accordance with law.
- 4) The visually impaired citizens shall have the right to get free education through brail script and the citizens with hearing or speaking impairment, to get free education through sign language, in accordance with law.
- 5) Every Nepalese community residing in Nepal shall have the right to get education in its mother tongue and, for that purpose, to open and operate schools and educational institutes, in accordance with law.

(D) Article 35. Right to health

- 1) Every citizen shall have the right to free basic health services from the State, and no one shall be deprived of emergency health services.
- 2) Every person shall have the right to get information about his or her medical treatment.
- 3) Every citizen shall have equal access to health services.
- 4) Every citizen shall have the right of access to clean drinking water and sanitation.

(F) Article 43. Right to social security

The indigent citizens, incapacitated and helpless citizens, helpless single women, citizens with disabilities, children, citizens who cannot take care themselves and citizens belonging to the tribes on the verge of extinction shall have the right to social security, in accordance with law.

(G) Article 51, the following policies under this article are also related to children:

Article 51(i) Policies relating to labor and employment:

(3) To abolish all forms of labor exploitation including child labor.

Article 51 (j) Policies relating to social justice and inclusion:

(4) To evaluate economically the work and contribution such as maintenance of children and care of families.

(5) To take into consideration primarily of the best interests of the child.

1.2.2 Children Related Laws

There are over 40 Laws and By-laws that are concerned with children. Some of them are, Children's Act, 2048; Children's Regulation, 2051; Child Labor (Prohibition and Regulation) Act, 2056; Breast Milk Substitution Act, 2049; Juvenile Justice (Procedures) Regulation, 2063 ; Emergency Child Rescue Fund (Operation) Regulation, 2067 ; Inter-country Adoption Management Development Committee (Formation Order), 2067 ; Terms and Conditions and Process for Granting Approval for Adoption of Nepali Child by an Alien, 2065; Civil Registration Act, 2033; Child Friendly Local Governance: National Strategy and Implementation Guidelines, 2068, Standards for Operation and Management of Residential Child Care Homes, 2069. There are many more Acts and Guidelines that have provisions related to children.

Likewise, Legal Aid Act, 2054; Imprison Act, 2019; Donation Act, 2030; Cinema Making, Dissemination/ Showing and Distribution Act, 2026; Lottery Act, 2025; Printing Press and Publication Act, 2048; Pesticide Act, 2048; and Natural Calamities Rescue Act, 2039 also have some provisions that address the issues related to children. In addition, there are other acts and rules which have some concern about children namely, Physical Construction (Nirman Byavasaaya) Act, 2055; Election Offense and Punishment Act 2047; Liquor Act, 2031; Human Organ Transplant Regulation and Restriction Act, 2055; Drugs Regulation Act, 2033; Disability Protection and Welfare Act, 2039 and its rules; Firm Registration Act, 2034; Education Act, 2028; Human Trafficking and Transportation Control Act, 2063 and its rules 2064; and Tea Estate (Labour) Rules, 2050 also have provisions related to children. New Children's Bill is being prepared to address the lacunas of existing laws, which has also proposed 18 years as legal age for children.

1.3 National Human Rights Commission and Children

In the FY 2016/017, 14 cases of child rights violation were reported to National Human Rights Commission (NHRC) including corporal punishment in school, violation of right to education, children's death in school and brick kilns and reports related to health.

1.4 Convention on the Rights of the Child and its Optional Protocols and Report of Nepal

Immediately after the people's movement in 1990, Government of Nepal ratified the United Nations Convention on the Rights of the Child, 1989 on 14th September of 1990. The CRC has ensured 40 fundamental rights of the children following the four fundamental principles of child rights, namely the best interests of the child, right to life, survival and development, non-discrimination and respect for the views of the child. Out of the total 54 articles of the convention, 40 articles have explained the rights of child and remaining 14 articles have talked about the implementation and monitoring process of the CRC. Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC), 2000; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), 2000; and Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, 2011 are three optional protocols which were provisioned in order to further elaborate the different dimensions of the CRC.

Except Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, 2011 other two optional protocols have already been ratified by Nepal.

Though belatedly, Nepal as a state party to the convention, submitted its third, fourth and fifth combined state report in 2012 in accordance with the article 44 of the CRC. The report was discussed during the 72th session of UN Child Rights Committee in May 19, 2016. The Committee has provided its observations and recommendations which are given in Annex-I.

The CCWB has published a book covering the concluding observations made by the UN Child Rights Committee on Nepal's third, fourth and fifth combined state report on CRC and reports on its optional protocols ratified by Nepal. The Committee has admired Nepal for the inclusion of provisions of child rights into the Constitution of Nepal, 2072. The concluding observations have emphasized on adopting reform measures on the various issues of children related to definition;

introduction; discrimination and violence; best interest; respect to children's views; violence and brutal punishment; misbehavior and negligence; sexual exploitation and abuse; and harmful practices as mentioned in the CRC. The recommendation also includes the need to focus on administering a disaggregated information system on children. The CCWB conducted an interaction program with representatives of concerned ministries to inform them about the concluding observations and possible ways of addressing those concerns. The summarized version of concluding observations and concerned responsible ministries and entities are given in Annex- I.

1.5 Plan, Policy, Program and Institutional Mechanism Related to Children

1.5.1 Plan and Action Plan

The fourteenth periodic plan (2016/017-2019/020) has come up with the vision to create a conducive environment to ensure the rights of children and adolescents, and make them determined and competent citizens of the country. The plan aims to protect children and adolescents from all types of physical and mental violence including all sorts of degrading behavior and, the specific objectives are to – a) protect and promote full rights of children and adolescents; b) end all types of discrimination, exploitation, violence, negligence, and degrading behavior against children and adolescents. In order to achieve the objectives, strategies related to survival, protection, development and participation including management of street children have been adopted.

The Government of Nepal has already implemented National Plan of Action for Children for the decade of 1990 and a 10-year National Plan of Action for Children for the year 2004 – 2014, and is in the process of preparation of next National Plan of Action. In addition, national plan of actions related to education, health, adolescents, human rights, human trafficking are under implementation.

1.5.2 National Policy

Protection and promotion of the rights of all children by guaranteeing entire child rights is the major objective of National Child Policy, 2012. To protect children from all forms of physical and mental violence, loss or abuse, abandonment, neglect, exploitation and sexual abuses; to promote physical, mental and educational development of children by providing them with necessary care, nutrition and education before and after the birth; to promote child participation by providing

opportunities to express their opinion on all issues related to them; to end discrimination against children; and to strengthen the juvenile justice system are other specific objectives or focuses of the policy.

1.5.3 Some Major Programs and Services that Benefit Children Directly

There are various programs and services for children run by different sectors that are mainly, education; health & nutrition; child labour eradication fund; emergency child rescue fund; juvenile correction home; program for conflict affected children; street children free campaign; district level program for multidimensional development of out of school adolescent girls; golden thousand days program; family protection service for children at-risk under community supervision; awareness program against child marriage and child sexual abuse; integrated child health and nutrition program; national vaccination program; community based integrated management program for new-born babies and child diseases; free medicine and health service etc. Likewise, mid-day meal program at school, free course book distribution, about 25 different residential and non-residential scholarships for students. In addition, non-government organizations and other development partners are also providing direct and indirect support to children. Ministry wise details of some child related incentives are given in Annex- II.

The CCWB is implementing a street children free Kathmandu Valley campaign in collaboration and coordination with the Ministry of Women, Children and Social Welfare and other development actors. There is a plan to extend this campaign to other major cities also. The CCWB has been advocating and facilitating for child rights and protection related programs with concerned ministries. In addition, rescue, rehabilitation and support to the children at-risk; monitoring of child homes; operation and management of National Center for Children at Risk (toll free no. 104); operation and management of Child Helpline (Toll Free No 1098) are in implementation. Similarly, awareness raising activities for the rights of children are going on.

In the FY 2016/017, the CCWB organized a two-day program on 'Enhancing Child Protection and Child Sensitivity' for government officials of Province 1. Presentations were made by judges, senior official of Nepal Police, executive director of CCWB and child rights professional and intensive discussion was on the presentations. At the end of the program, Biratnagar Declaration was come out as outcome document of the program committing addressing the issues of child protection. Similarly, a total of 260 officials of the then local bodies and 988 official

of district level offices were oriented on child rights based planning process. Case management training for concerned local level stakeholders was also conducted to address the issues of violence against children and children at-risk. Under a project implemented with the financial support of Peace Trust Fund Secretariat under the Ministry of Peace and Reconstruction, 10,499 children affected by armed conflict of 20 districts were supported with various services till July 15, 2017. Similarly, information of 47,570 children at-risk in 14 districts which are mostly affected by devastating earthquake in 2015 was managed and, among them, 15,034 children and families were provided with education and emergency support. In addition, the CCWB has created an e-portal in FY 2016/017 with contents related to various facts, information and reports related to children. In collaboration with Federation of Nepali Journalists, it has established National Child Sensitive Journalism Award for those journalists who report on child rights issues, and awarded nine best journalists in the same FY. Moreover, it has also established National Child Sensitive Community Radio Award, and awarded in the collaboration with Association of Community Radio Broadcasters Nepal.

1.5.4 Institutional Arrangement

The Government of Nepal put its attention in creating institutional structures from the central level to the local level to address the issues of child's rights and protection. For instance, Ministry, Department, CCWB, Central Juvenile Justice Coordination Committee and Women and Children Service Directorate under Nepal Police at the center level as well as DCWB, District Juvenile Committee, Women and Children Office at district level including Women and Children Service Centers in all 75 districts under Nepal Police, Toll Free Child Helplines 104 and 1098, Child Correction Homes in Bhaktapur, Kaski, and Morang districts. In addition, Village Child Protection Committees (VCPCs) and sub-committees and child clubs are also functioning for child protection and promotion issues.

1.6 National Annual Development Budget and Child Responsive Budget of Some Ministries

There is a gradual development and reforms in laws, policies, plans, institutional structure, programs and budgeting for the protection of child rights after the ratification of CRC. The UN Child Rights Committee has been recommending Nepal for developing disaggregated information on children and increasing budget for child related programs since 1996. Extensive analysis of child related budget under the national annual budget has yet to conduct at the government

level. Rather, Children as Zone of Peace Campaign (CZOP) an civil society organization has been carrying out child responsive budget analysis for the last few years. In the past, 6 ministries, namely Education, Health, Federal Affairs and Local Development, Women, Children and Social Welfare, Labour and Employment, Peace and Reconstruction were considered for the child responsive budget analysis. In the FY 2017/018, the Ministry of Home Affair has also been included in such analysis. The analysis is based on Government's annual budget published as "Red Book" by the Ministry of Finance. Table 1 presents the total budget and child responsive budget allocated for aforesaid seven ministries from the FY 2013/014 to 2017/018 .

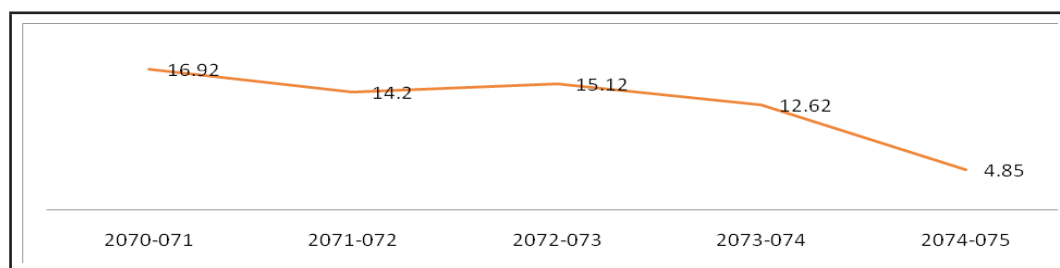
Table 1: Budget of 7 Ministries and Child Centered Budget Allocation

Fiscal Year (BS)	Percentage of Allocated Budget for 7 Ministries out of the Total National Budget	Percentage of Child Centered Budget	Name of 7 Ministries
2013-014	38.81	16.92	Education; Federal Affairs and Local Development; Women, children and Social Welfare; Labour and Employment; Peace and Reconstruction ;and Home affair
2014-015	35.48	14.20	
2015-016	35.55	15.12	
2016/017	33.04	12.62	
2017/018	18.76	4.85	

Source: *Child sensitiveness in the budget of Nepal: An analysis -2017, Children as Zone of Peace Campaign (CZOP).*

The following graph also explains the percentage of child focused budget of seven ministries:

Graph 1: Budget Allocations for Seven Ministries on Child Centered Activities



Even though the Government of Nepal is sensitive to child development and child rights, the proportion of allocated budget for the programs related to children has

not remained encouraging.

1.7 Sustainable Development Goals and Children

The targets set by the Millennium Development Goals (MDGs) related to primary education, proportion of girls to boys in education, under 5 mortality rate, infant mortality rate, new born mortality rate witnessed encouraging progress. In order to sustain and further excel the achievement made by MDGs, Sustainable Development Goals (SDGs) (2016-2030) have been set including targets related to children. Table 2 shows child related targets, indicators and timeline for the achievement to be made.

Table 2: SDGs with Indicators related to Children

Targets and Indicators		2015	2019	2022	2025	2030	Sources of Data
1.1.1(1)	Population below US\$ 1.25 per day (ppp value) (%)	23.7	17	13.7	10.4	4.9	NLSS, HS
1.3.1(1)	Social protection expenditure in total budget (%)	11	12.1	12.9	13.7	15	MIS
2.1.1	Prevalence of undernourishment	36.1	27.3	20.6	14	3	MICS Panel
2.2.1	Prevalence of stunting among children under 5 years of age	36	32	28.6	20	15	NDHS, NMICS, Panel
2.2.2(1)	% of children under age 5 years who are underweight (-2SD)	30.1	20	18	15	9	NDHS, NMICS, Panel
2.2.2(3)	Prevalence of anemia among children under 5 years	46	33	28	23	10	NDHS, NMICS, Panel
3.1.1	Maternal Mortality ratio	258	125	116	99	70	NDHS
3.1.2	Proportion of births attended by skilled health personnel	55.6 (2014) *	69	73	79	90	NDHS, NMICS
3.2.1	Under-five mortality rate	38(2014)*	28	27	24	20	NDHS
3.2.2	Neonatal mortality rate	23(2014)*	18	16	14	12	NDHS, NMICS
3.3.5(a)	% of children under age 5 with Diarrhea in the last 2 weeks	12(2014)*	8	6	4	1	NDHS, NMICS
3.8.1(d)	% of infants receiving 3 doses of Hepatitis B vaccine	88(2014)*	90	93	95	95	HMIS, NDHS, NMICS
4.1.1(1)	Net enrolment rate in primary education (%)	96.6	98.5	99	99	99.5	MISC, NASA, NLSS
4.1.1(2)	Primary completion rate (%)	80.6	90.7	93.1	95.5	99.5	"
4.1.1(3)	Proportion of pupils enrolled in grade one who reach grade eight (%)	76.6	81.5	92	93	95	"

4.1.1(4)	Ratio of girls (to boys) enrolled in grade one who reach grade eight	1.04	1.03	1.02	1.01	1	"
4.1.1(5)	<i>Learning Achievement / Score (Math, Nepali and English) for Class 5 (%)</i>						
	a) Math	53.3	55	58	63	65	NASA
	b) Nepali	63	66	70	72	75	NASA
	c) English	53.6	57	60	63	68	NASA
4.2.2(1)	Coverage of child grant for pre-primary education (number in '000)	506	596	620	650	700	EMIS
4.2.2(2)	<i>Attendance to early childhood education (Gross Enrollment) (%)</i>	81	85.8	89.4	93	99	EMIS
4.3.1 (1)	<i>Ratio of girls enrollment in technical and vocational education</i>	0.53	0.66	0.75	0.84	1	EMIS
4.3.1 (2)	<i>Ratio of girls enrollment in tertiary education (graduate level)</i>	0.88	0.91	0.94	0.96	1	EMIS
4.3.1(3)	Scholarship coverage (% of total students)	37	38.3	39.3	40.3	42	EMIS
16.2.1(1)	<i>Children age 1-14 years who experienced psychological aggression or physical punishment during the last one month) (%)</i>	81.7	60	44	27	0	NMICS
	<i>Children trafficking to abroad (including India) per annum (reported number)</i>	64	47	34	21	0	MIS

*Base year is considered as 2014 instead of 2015.

Source: NPC, 2017 (Unpublished)

1.8 Incidents of violence Against Children Covered by Mass Media

There is an increasing trend of child rights violation incidents as covered by printed and electronic media. The CCWB has been publishing report analyzing the incidents related to children since 2015. Various incidents may still be in unreported due to the reason of geographical remoteness and social circumstances. In the FY 2016/017, various 251 incidents were analyzed, in which some 412 children were affected from those incidents. Out of these 412 affected children, 70 percent were girls, and found to be victimized by nine different type of offences, namely rape, murder/ death, suicide, child marriage, abduction, abortion, corporal punishment, malnutrition, and child labor.

CHAPTER

II

CHILD SURVIVAL

2.1 Introduction

This chapter includes state of pregnancy and birth, risk of childhood disease and vaccination, infant and child mortality rate, child nutrition, HIV/AIDS infected and affected children etc. as stipulated under the articles related to right to health (article 24) and healthy/long life and development (article 6) of the CRC.

2.2 Pregnancy and Birth

According to National Policy Related to Safe Abortion, 2060 and Process of Safe Abortion Service, 2060, abortion can be done in condition of unwanted pregnancy and if mother's health is in danger due to pregnancy. There is a legal provision that women can decide to abort any pregnancy of up to 12 weeks long and up to 18 weeks long which has been conceived due to rape or sexual intercourse made within blood relationship or if there is advice of authentic medical doctor that life or physical state of mother or infant or both is at-risk unless pregnancy is not aborted. She can also terminate birth if doctor certifies as there is no chance of live birth. However, there is legal band on abortion based on identifying gender of fetus as per the provision made in Muluki Ain (Civil Code) that was amended in 2059. This legal provision aims to eliminate the practice of miscarriage based on son preference and gender discrimination. The law has made provision of bringing into action to medical doctor who helps in identifying gender of a fetus and parents or others who perform miscarriage.

Various education and health related programs are in implementation aiming at physical, mental and educational development of children by providing them necessary care, nutrition and education before and after they are born. Likewise child care programs like nutrition and golden thousand days are implemented focusing on children's better health.

Medicine related to iron and calcium as well as antenatal and postnatal care are available free of cost in hospitals and health posts for children and pregnant women. Women are provided free delivery services along with transportation cost as well. According to Economic Survey 2016/017, the percentage of child delivery under supervision of trained birth attendant has reached to 58 percent in 2016 against 55.6 percent of the previous year. According to Nepal Demographic and Health Survey, 2016, number of district providing 24 hour essential natal services has reached to 73 as compared to 69 districts in the FY 2015/016.

2.3 Infant and Child Mortality Rate and Vaccination

Improvement on infant and child health has been very encouraging as a result of government's priority on child health related policies and programs. According to Population and Demographic Health Survey, 2016, under five mortality rate per thousand is 39, infant mortality rate is 32 per thousand, neo-natal mortality rate (infant up to 28 days old) is 21 per thousand and total fertility rate is 2.3.

According to the latest (2016) annual report of Department of Health, there are 8 central hospitals, 3 regional hospitals, 3 sub-regional hospitals, 10 zonal hospitals, 75 district hospitals, 202 primary health care centers, 3803 health posts, 12,660 primary health outreach clinics and 16,134 extended vaccination centers in the country. The number of Female Community Health Volunteer is 49,523. These volunteers are playing an important role on maternal-child health as well as minimizing the mortality rate of children.

Vaccination is a top priority program of the government as Nepal is considered as one of the best countries implementing vaccination program successfully and effectively. It is worth mentioning that 97 percent of the population in Nepal have access to vaccination without any discrimination. The percentage of children who have not received any vaccination reduced to one percent in 2015/016, whereas the percent was 3 in 2010/011. The government is committed to declare all 75 districts as districts with full vaccination by 2017. Nepal has been recognized as polio free country on 27th March of 2014.

2.4 Nutrition

The Government of Nepal has been putting its effort to improve nutritional status of children for more than four decades. Programs such as National vitamin A, monitoring and counseling of children's growth, anemia control and prevention, prevention of iodine deficiency, de-worming, distribution of nutritious food are

being implemented massively and the school health and nutrition program is ever expanding. Nutrition Rehabilitation centers are being run by the government and also by non-governmental organizations. This service is available in Sunakothi, Lalitpur and other 18 government hospitals.

According to the 'Nepal Demographic and Health Survey, 2016, 36 percent of children under 5 are stunted, 27 percent are under weight (weight for age), and 10 percent are wasted. Though progress has revealed through this survey in this front, various news coverage and studies have revealed the fact that situation of child nutrition has not been improved as expected.

2.5 Children Affected and Infected by HIV/AIDS

Nepal has been sensitive to the rights and protection of HIV/AIDS affected and infected people. Government of Nepal has been implementing various program in collaboration with development partners and NGOs to address this problem. Prevention of Mother to Child Transmission (PMTCT) program has been in operation to control transmission of HIV/AIDS from mother to child.

According to the Annual Report (2014/015) of Department of Health Services, there were 39,249 persons infected by HIV & AIDS by 2014, which increased by 148 people in 2015 and total number reached to 39,397 people. Out of 39,397 HIV infected people, 4 percent or 1,589 were children of age under 14 (51.46 percent boys and 48.54 percent girls).

The report (covering data by July 2015) of National Centre for AIDS and STD Control showed the number of registered HIV/AIDS infected people as 26,702, of which 16,705 were males, 9,938 were females and 59 others. According to the report, registered number of children under 14 was 1,967. Out of them, 1,178 (60%) were boys and 739(40%) were girls.

Cash Transfer Program Operational Guidelines for HIV/AIDS Infected and Affected Children, 2013 has been formulated in order to focus and orient towards HIV affected and infected children. For effective implementation and monitoring of programs according to the Guidelines, an 11 member committee at Ministry of Health and a 7 member district level committee has been formed. Based on this, HIV/AIDS infected children have been receiving a monthly amount of Rs. 1,000/- as education, health and nutritional support since 2014. The aforesaid committees have been monitoring the usefulness of this cash support. This cash transfer program has been extended to 45 districts. Till August 2017, a total number of 1,555 children were listed for this cash transfer as beneficiaries.

CHAPTER

III

CHILD PROTECTION

3.1 Introduction

This chapter includes subject matters related to preventing and protecting children from any type of risk, loss and damages that is caused by activities and behavior which negatively affect their physical, mental, emotional, social, moral and intellectual development as specified in the CRC. For instance, child protection (article 4), Parental care (article 5), birth registration, name/identity and nationality (articles 7 and 8), not to separate from parents/guardians (article 9), family reunification (article 10), protection of right to secrecy (article 16), protection from all types of violence (article 19), special or alternative care for children who do not get family care (article 20), adoption (article 21), refugee children (article 22), child labour (article 32), drug abuse (article 33), sexual exploitation (article 34) abduction and sale (article 35), confinement and punishment (article 37), war and armed conflict (article 38), rehabilitation of child victims (article 39), Juvenile justice (article 40).

3.2 Child Labor

The Government of Nepal enacted Child Labor (prohibition and regulation) Act, 1999 for creation of child labor free society. This act has completely prohibited to employ children below the age of 14 years for any type of work. However, there is a provision to employ children between the age of 14 and 16 in light works with special facility and under the supervision of adults.

Nepal has ratified ILO's Minimum Age Convention, 1973 (no. 138) and Worst Form of Child Labor Convention, 1999 (no. 182) in 2003 and 2004 respectively. Nepal is also a signatory to Forced Labor Convention (no. 29) and Tripartite Consultation (International labor Standard) (no. 144). According to Child Labor (Prohibition and Regulation) Act, 2056, anyone employing children below 14 shall be punished with maximum of 3 months imprisonment or penalty of up to Rs.10,000 or both.

Mandatory provision has also been made to get permission of parents/guardian, to inform Labor Office, not to involve in work more than 6 hours in day time and never in night time while employing children of age group 14-16 years in light works. However, employing children below age 16 in hazardous work is strictly prohibited otherwise the employer shall be punished with maximum of one year imprisonment or penalty of up to Rs. 50,000 or both.

The Fourteenth Plan (FY 2016/017 to 2018/019) has accorded the highest priority to the issue of child labor, and planned to review the existing related policies, laws and programs. Moreover, it has planned to implement programs to rescue and rehabilitate child labors including worst form of child labors. However, allocation of adequate budget and concrete programs toward this end are still inadequate.

Children in Nepal are found to be employed particularly in informal sector (restaurant, transportation, construction work, agriculture, small and cottage industries, carpet factory, brick factory, *Jari* factory, porter etc.) and also as domestic workers. Incidents of involving children in hazardous work by lying their real age have also been exposed.

National Population Census of Nepal has revealed the fact that a total of 1, 04,714 children (56,267 boys and 48,447 girls) are involved in work. According to Nepal Multiple Indicators Cluster Survey (NMICS), 2014, a total of 37.4 percent children of age between 5 and 17 years are child labor. Updated information is believed to be available through ongoing labor force survey being carried out by Central Bureau of Statistics.

Practice of reporting against use of child labor is nominal compared to its incidents and only particular incidents are reported by mass media. Twenty five incidents of child labor were exposed in mass media in the FY 2016/017. However, this does not reflect the true picture of child labor that do exist in the country.

There are different reasons behind wide spread child labor problem in various sectors. Children are more convenience to use at work as compared to adults in terms of availability of children in less salary with more number of working hours, inadequate awareness among stakeholders regarding negative dimensions of child labor, social acceptance of child labor, unavailability of adult because of foreign labor migration are some of the important reasons in this regard.

The government in collaboration with development partners has been carrying out different programs for decades including awareness raising and other supports

to address this problem. As a result of this endeavor, some municipalities, metropolises and cities have initiated remarkable efforts for minimizing child labor and the process of making child labor free wards, markets and cities has begun. Some 32 cases of child labor were reported to Labor Office of Kathmandu in the FY 2016/017 and 19 cases have already been settled and 13 are under consideration.

In point 140 of budget speech of the FY 2017/018, it is stated that the action for eradicating the worst form of child labor will be continued and a 10-year Master Plan for Eradication of Child Labor will be implemented by the next fiscal year. However, the Master Plan has yet to endorse by the government.

3.3 Street Children

Various legal and policy measures have been adopted by the government to carry out various programs in course of managing street children - rescue and family reintegration, family support, psycho-social counseling, etc. The MoWCSW formulated 'Directives for Protection and Management of Street Children, 2015 and it is under implementation. There is a high level 'Street Children Protection and Coordination Committee' under the convenorship of secretary of MOWCSW and representatives from other relevant organizations. In line with the aforesaid directives, MOWCSW and CCWB in coordination with Kathmandu metropolis, Metropolis Police office, District Child Welfare Board, Women and Children Offices, National Centre for Children at-Risk (Toll Free no. 104), Child Helpline (Toll Free no. 1098) and some NGOs have been carrying out a campaign for the management of street children with a slogan of - 'Children don't need to stay and they should not stay on the street'. Rescue, protection, psycho-social counseling services, socialization, family reintegration, and rehabilitation activities are undergoing effectively in Kathmandu valley through various Drop-in Centers and Socialization Centers.

Rescue work was started from April, 2015 after having extensive consultations with concerned authorities, organizations, political parties and street children themselves. After the commencement of rescue work, 656 children coming from various districts comprising of 593 (90.4%) boys and 63 (9.6%) girls were rescued until July 2017 and their management process is undergoing. Out of the total rescued children, 47 percent of children are aged between 10 and 14, 38.4 percent are aged between 15 and 18, and 15 percent are of age below 10 years. Likewise, about 47 percent of the rescued children belonged to ethnic groups, 31.5 percent Brahman/Chhetri, 17 percent *Dalit* and 5.3 percent *Madhesi*. Out of the total

rescued children, 478 (72.86%) children were found literate or school drop-outs and remaining 27.14 percent had never enrolled to school. Twenty four rescued children have been receiving various skill enhancing trainings and 19 children have been involved in gainful employment after they received skilled training. Of the total, 447 (72.7%) children were having both parents, 74 (11.28%) were double orphaned, 52 (7.92%) children's mother and 83 (12.65%) children's father were no more. As results of the campaign, it has been observed remarkable decline in the number of street children in the Kathmandu Valley. This program is in the process of being extended to other big cities too. In Chitwan, 40 street children were rescued and provided shelter through Nepal Police.

Point 151 of the budget speech of the FY 2017/018 has spelled out that community based programs will be carried out to rescue, care and rehabilitate street children.

3.4 Child Marriage

Legal minimum age for marriage has been set to 20 years after the amendment of existing provision of 'Muluki Ain (Civil Code)' through Some Nepal Acts Amendment and Abolishment Act, 2015. Reducing child marriage has been a challenge for developing countries. Nepal is at third position after Bangladesh and India in south Asia for having high child marriage. Child marriage has emerged as a serious challenge in Nepal because of mal-practices that exist in some communities, lack of awareness and growing trend of love marriage among children in recent years. South Asia Initiative to End Violence against Children (SAIEVAC) has been implementing a 'Regional Plan of Action to end Child Marriage (2015- 2018) in SAARC countries including Nepal. Question of ending child marriage has been included with priority by SDGs (2016-2030).

An effective role has been expected from the Ministry of Women, Children and Social Welfare and other 11 ministries of the Government of Nepal including National Planning Commission, Office of the Attorney General and civil societies in order to implement 'National Strategy to End Child Marriage, 2015 by the year 2030. The strategy has put forward a campaign of 'Child Marriage Free Local Bodies (local governments)'. Accordingly, initiation of declaring child marriage free local body has also been initiated.

Cases of 66 child marriage have been exposed through various mass media in the FY 2016/017. Of these cases, 46 cases (70%) were between boys and girls, and 23 (15%) cases were between adult groom and child bride. Likewise, it has come

to know that 5 (7%) of cases consisted mismatched marriage made with old age groom. Out of the above said 66 cases of child marriage, 34 (52%) marriages were arranged by parents and remaining 32 (48%) were the cases of self-marriage. Districts of Karnali areas and Terai areas seem to be more prone to child marriage.

According to the chapter 2 (Social Demography) of Population Monograph published by Central Bureau of Statistics, 26.3 percent of children aged 10-18 years were married. Of this, marriage of children aged 17 and 18 year consists of 75.66 percent. A negligible event of marriage observed among children of age group 10 - 14 years. This indicates positive outcome of efforts against child marriage.

Nepal Multiple Indicator Cluster Survey, 2014 revealed the fact that 15.5 percent of women aged between 15 and 49 were found married before the age of 15 years. The same survey covering girls aged between 15 and 19 years showed that 24.5 percent were married before the age of 18 years.

According to the Secretariat of Juvenile Justice Coordination Committee, five cases of child marriage were registered in the Courts under which 7 children were defendants in the FY 2016/017. Problem of non-reporting is also a threat to minimize child marriage. It is required to create awareness among stakeholders regarding the demerits of child marriage especially in prone communities with simple and clear messages.

Children themselves have also been active against child marriage through child clubs. There were incidents in which child marriage was stopped and ignored the wedding party as well. Efforts of declaring child marriage free zone have also been initiated in cooperation with concerned stakeholders

3.5 Rescue, Rehabilitation and Reintegration of Children at-Risk

3.5.1 Incidents Published in Mass Media

Article 6 of the CRC has mentioned that right to live is a fundamental right of every child and, state parties of the convention shall have to ensure this right. In the FY 2016/017, 251 incidents were reported by the media in which 412 children were affected. Of them 49 (27 boys and 22 girl) children were murdered, 64 (23 boys and 41 girl) children committed suicide and 96 girl child were raped. Occurrence of crimes like rape, murder and committing suicide by the innocent children in society, school and family indicates the violation of rights to live. All concerned stakeholders need to be sensitive and responsible on this issues.

3.5.2 Rescue and Rehabilitation of Lost and Found Children (National Centre for Children at-Risk, 104)

Missing of children is regularly being made public by media. National Centre for Children at-Risk (Toll Free Hotline No. 104) has been in operation to trace out and manage lost and found children for the last 10 years by the MoWCSW with joint efforts of CCWB, Nepal Police, Social Welfare Council, Nepal Telecom, development partners and civil society organizations. The Centre aims at tracing missing children, rescuing children at-risk, protecting and rehabilitating rescued children including adopting measures to prevent and control such incidences. The Centre is led by DSP of Nepal Police where 11 staff from Nepal Police and 9 staff from CCWB have been working. The service of toll free number 104 has been expanded to 56 women and Children Cells of 56 District Police Offices.

In the FY 2016/017, the Centre recorded information on missing of altogether 2,772 children (1,047 boys and 1,725 girls). Out of the total lost children, 53 percent were of the age between 15 and 18 years, and those who were below five years of age were 2.3 percent. Out of total children lost, only 720 children (353 boys and 367 girls) were found. The discrepancy in the number of lost and found children is because of general tendency of families and communities not to inform the Centre once their children are traced out.

Out of total 479 (321 boys and 158 girls) unaccompanied children found by the Centre, 307 children (216 boys and 91 girls) were reintegrated with their respective families. Rest were sent to Child Care Homes for residential care.

3.5.3 Rescue and Rehabilitation of Children Who Are at-Risk (Toll free Help Line No. 1098)

CWIN, an NGO initiated “CWIN Child Help Line” for the first time in Nepal to provide emergency rescue, rehabilitation and counseling services in 1990s. Later in 2007, this service was brought under the domain of the government. The MoWCSW has enacted Child Helpline Operation Procedures, 2007 and made available free telephone line 1098 (Ten, Nine, Eight). Under the convenorship of MoWCSW, the Secretariat of Central Steering Committee for Child Helpline is based at CCWB. National Child Policy, 2012 recognizes the effectiveness of helpline to provide services to children at-risk, and recommends operation and expansion of such services in all districts.

During the FY 2016/017, Toll Free Help Line 1098 was being run in 11 districts, namely Kathmandu, Mornag, Makawanpur, Banke, Kaski, Kailali, Chitawan, Udayapur, Sunsari, Dailekh, and Surkhet by CCWB in collaboration with 7 different NGOs. In the FY 2016/017, the Child Help Line provided emergency rescue, relief, psychosocial counseling, rehabilitation, and family reintegration services to 2,410 children (1,125 boys and 1,285 girls) who were at-risk. The Child Help Line has been receiving support from Nepal Police, National Human Rights Commission, hospitals, child clubs, and different agencies working in this field. In order to protect and promote the rights of children, the local elected bodies need to further expand and develop this service.

3.5.4 Violence, Abuse, Kidnapping and Trafficking Affected Children

According to the article 6 of the CRC, every child has the inherent right to life. However, children in Nepal have remained the victims of abuse, murder, violence, and kidnapping. As per the record of Nepal Police of the FY 2016/017, there were altogether 743 cases of rape. Out of which, 233 girls were victimized in Eastern Region of the country, whereas this number was just 32 in case of Far western Region. In the last FY 2015/016, altogether 681 girls were victimized because of rape.

As far as the case of human trafficking is concerned, as per the Women and Children Service Directorate of Nepal Police, a total of 109 children were trafficked in the FY 2015/016. This number came down to 89 in the FY 2016/017.

3.5.5 Online Sexual Exploitation of Children

The phenomenal progress in ICT has given massive access to online facilities, which has also increased incidents of online sexual abuse and exploitation of children. Since the access of internet facilities is much better in the urban areas, the urban children are at high risk of online sexual abuse and exploitation. Since the parents remain busy and fail to monitor the use and misuse of electronic gazettes, the children are always at risk of being abused online.

The article 39 (6) of the Constitution states that no child shall be recruited or used in army, police or any armed group, or be subjected, in the name of cultural or religious traditions, to abuse, exclusion or physical, mental, sexual or other form of exploitation or improper use by any means or in any manner.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of

Children, Child Prostitution and Child Pornography, 2000 criminalizes specific acts relating to the sale of children, child prostitution and child pornography, including attempt and complicity.

ECPAT Luxemburg in 2017 made a report public after conducting survey in the Kathmandu Valley related to online sexual abuse and exploitation of children accommodating 452 children (212 girls and 240 boys) of the valley. As per the findings of the survey, most of the children use internet through laptop and mobile phones. Some of them use internet from cyber café, school computer or friends' homes. Out of total children who go to cyber café, 80 percent are boys. The duration of time children engaged with internet ranges from 30 minutes to more than four hours. Out of the total, 6 percent respondents use internet more than four hours and 12 percent use it 3-4 hours. Boys are found to use internet more number of hours (3 to 4 hours) in comparison to girls.

The survey also reveals that 20 percent children have watched pornographic materials at least once. Out of them, 20 percent are girls. It also reveals the fact that out of total school going children, who use internet, 13.7 percent are the victims of online abuse. Out of the total abused, 47 percent are found to be boys. The respondents who are victims of online sexual abuse and exploitation also disclose the fact that such incidents have negatively affected on their self-esteem. In the FY 2016/017, altogether 17 incidents of online abuse and exploitation were reported to Toll Free Helpline - 1098.

3.5.6 Kidnapping

Altogether 17 incidents of kidnapping of children have been reported by media during the FY 2016/017. Out of kidnapped children, one is reported to be killed, 14 were freed and the situation of one is still unknown. The children who was killed was of five years old boy.

3.6 Disaster and Children

3.6.1 Children Affected by Earthquake

The 7.8 magnitude earthquake of April 25, 2015 together with series of aftershocks caused loss of lives and properties. This destructive event affected over 11, 21,000 children all over the earthquake affected districts. Estimating the possible risks of child rights violations, MoWCSW and CCWB took some key policy decisions, developed some directives / guidelines, and announced some press releases in

order to protect children from possible abuse, exploitation and violence, and also provided them relief goods and services. Policy decisions were circulated all across the country through District Administration Offices, Women and Children Offices and District Child Welfare Boards.

On top of above initiatives, CCWB developed 'Immediate Response for Child Protection Guidelines, 2015' in which the possible risks and solutions were clearly mentioned. From that, concerned stakeholders could address the problems of affected children as soon as the emergency information reached to them. Similarly, CCWB also developed guidelines for interim protection and care of needy children during emergency, in which alternatives were mentioned regarding the places, namely close relatives, interested family to provide guardianship, or temporary child protection shelters, where children can be kept. The guidelines include minimum basic services and standard of operation in course of protection of children at-risks.

With the help of financial and technical assistance of UNICEF, DCWBs have been conducting different programs in 14 earthquake affected districts. The programs in this regard include collection of information of those children who are at-risk and prioritization of those children who need immediate support, educational and emergency support, case registration and management of those children who are at-risk.

As of July 2017, information of 47,570 children at-risk was collected, out of which 48.3 percent are boys and 51.7 are girls. The least number of children who have been at-risk is in Rasuwa (1,084) and the highest number of children who are at-risk is in Kathmandu (6,938). After having situation analysis of the children and their prioritization, educational and emergency support have been providing to those children. To the end of July 2017, a total of 15,034 children got educational support. The largest number (1,733) of children of Sindhupalchowk district and the least number (971) children of Sindhuli district got such support. In terms of gender, 51.8 percent of girls were benefited from such support. In addition to the support of CCWB, UNICEF's partner NGOs supported 8,222 children at-risk in the same period.

3.6.2 Children Affected by Flood and Landslide

Because of land slide and flood caused by incessant rain of July 2017, there was huge loss of lives and properties. According to the Ministry of Home Affairs,

altogether 149 people of 16 districts lost their lives in which 44 were children (20 boys and 24 girls), and among 25 missing people seven were children. In total, 38,368 children were directly affected by the calamities.

The Women and Children Offices and District Child Welfare Board coordinated activities related to rescue and distribution of relief materials, which were carried out with the help of central, local governments, NGOs, INGOs, and security forces.

In coordination with DCWB and District Health Office and in the technical support of ADRA Nepal and Himalayan Medical Foundation, free health camp was organized in Parsa district during August 29 – 31, 2017. Altogether 1,618 people were benefited from medical test, out of which 445 (33.7%) were children. The Government is in the process of bringing Disaster Management Bill in order to ensure coordinated and effective disaster management. Similarly, the Ministry of Education is in the process of including disaster related contents in school level text books.

3.7 Children Affected by Armed Conflict

In line with the 'National Plan of Action for Rehabilitation and Reintegration of CAAC, 2067 and 'Implementation Guidelines, 2070, CCWB implemented a project for children affected by armed conflict (CAAC) through DCWB in 20 districts¹ from January 2015 to July 15, 2017 with the financial support of Nepal Peace Trust Fund. Before the implementation of the project, CCWB conducted a study on the 'Situation of CAAC' in 20 districts, which estimated 18,665 children affected by the armed conflict. During the project period 10,499 CAAC got support from the project. Of the total benefited CAAC, 8,637 got educational support, 780 got psychosocial counseling and 723 got support for income generation activities and the rest got health and legal support. Ministry of Peace and Reconstruction through local Peace Committees has also been supporting children affected by armed conflict. Till the FY 2015/016, altogether 620 children got special scholarship and economic support under this program, whereas 528 children got such support in the FY 2016/017.

Shaheed Pratisthan with the support of the government has been operating five residential schools – one each in five development regions (Sunsari, Dolakha, Kaski, Dang and Doti) for CAAC. In the FY 2015/016, a total of 1,435 CAAC (888

¹ *Taplejung, Panchthar, Ilam, Tehrathum, Saptari, Sindhuli, Dhading, Lamjung, Myagdi, Makwanpur, Rautahat, Kapilbastu, Rolpa, Rukum, Dailekh, Surkhet, Bardia, Bajhang, Jumla and Kanchanpur.*

boys and 547 girls) were having complete package of residential education in five schools, whereas this number decreased to 1,395 (889 boys and 506 girls) in the FY 2016/017.

3.8 Minority and Indigenous Children

Article 18 of the Constitution of Nepal under fundamental rights and duties states that all citizens shall be equal before law and no person shall be denied the equal protection of law. Moreover, it mentions that no discrimination shall be made irrespective of origin, religion, race, caste, tribe, sex, physical condition, health condition, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds. As per the article, the state shall make special provisions by law for the protection, empowerment or development of the citizens including the socially or culturally marginalized women, *Dalit*, indigenous nationalities, *Madhesi*, *Tharu*, Muslim, oppressed class, marginalized group of people, farmers, labours, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, incapacitated or helpless, backward region and indigent *Khas Arya*. Moreover, there are different legal provisions for the protection of minority and indigenous children. In comparison to the previous academic year, the number of indigenous children increased by 2.2 percentage points in primary (grade 1-5), lower secondary (6-8) and basic level (1-8) of education in the year 2016. Similarly, the number of such students from minority communities and *Dalit* increased in all three levels of education in the year 2016 against the previous academic year.

3.9 Children in Prison with their Parents

Normally children who are in confrontation with law are kept in child correction homes so that they can spend their time as decided by the Court like other normal children without damaging their future career. However, some of the children without violating any rule of the state are bound to spend their lives in prison simply because their parents are convicted and imprisoned and nobody is there to look after them outside the prison. This kind of situation negatively affects psychology of those children. According to Department of Prison, by the end of the FY 2015/016, there were 93 children who were with their parents in jails of different 34 districts. This figure was 79 in different 32 districts' jail in the FY 2016/017. Among different districts, Kathmandu has 10 children in jails with their parents followed by 5 in Palpa. Some social organizations have been providing residential services along with education facilities to those children by transferring

them outside the jails. So far altogether 274 children (131 boys and 143 girls) have got such services.

3.10 Birth Registration

Civil Registration Act, 2033 has been in implementation for over four decades. According to the article 7 of the CRC, the child shall be registered immediately after birth, and shall have right to a name, right to acquire a nationality and as far as possible, right to know and be cared for by his or her parents. In the past, the birth registration used to be done by Village Development Committees and Municipalities. It is hoped that the newly elected local governments will be more sensitive and responsive towards child's birth registration.

Along with birth registration, other personal incidents like marriage, migration, death are registered in local bodies. The government has directed schools and other service providers to use birth registration certificate of children while enrolling in schools and providing social security benefits. With this, mass awareness on the importance of birth registration is increasing. Nepal Multiple Indicator Cluster Survey, 2014 found that 58.1 percent birth of children (boys 59.2 percent and girls 57.0 percent) was registered. According to Department of Civil Registration, altogether 721,326 births were registered in the FY 2016/017, whereas altogether 600,796 births were registered in the FY 2015/016. A system has been established in the department under which the data of birth registration is updated every day. The government has commitment to achieve universal birth registration by 2080. There has been a problem of legal identity of abandoned, unaccompanied, children of broken family, which has led difficult to register the birth of such children.

3.11 Adoption

Article 21 of CRC deals with child adoption. Further, the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993 has provision for adoption management. The 'Terms and Conditions and Process for Granting Approval for Adoption of Nepali child by an Alien, 2065' and Inter-country Adoption Management Development Committee (Formation) Directive, 2067 include various provisions for adoption.

The 6th amendment (1976) of the General Code (1973) has provision for inter-country adoption of children. The government has been implementing the 'Terms and Conditions and Process for Granting Approval for Adoption of Nepali child

by an Alien, 2008'. Though the number of out-country adoption was higher in some years back, in the last three years the incidence of out-country adoption is very low. In the FY 2013/014, there were only three cases (one each in India, Norway and USA) of girl children adoption, while it was reduced to three cases (Two in USA and one in Slovenia) of girl children in the FY 2014/015. However, no inter-country adoption is found in the FY 2016/017.

With some conditions as per the General Code (1973), domestic adoption has been in practice. In the past, the registration of domestic adoption is used to take place in the office of land revenue. However, the provision amended lately. As per the Nepal Act Repeal and Amendment Act, 2015, the responsibility now has been shifted to district court. As per the available information, 13 children from Kathmandu and 2 children from Bhaktapur were domestically adopted in the FY 2016/017.

3.12 Refugee Children

According to the provisions of the CRC, the state has responsibility to ensure rights of refugee including refugee children. Accordingly, the Government of Nepal has been respecting this provision. It is estimated that altogether 184 refugee children (95 boys and 89 girls) from different countries, namely Pakistan, Myanmar, Afghanistan, Sri Lanka, Bangladesh and Somalia were reported in 2015, but is not found updated in the year 2016.

According to Ministry of Home Affairs, a total of 6192 Bhutanese child refugees (3,175 boys and 3,017 girls) under the age of 17 years were in the refugee camps of Beldangi, Shanishchare in Jhapa District of eastern Nepal including refugees residing outside of the camps in the FY 2015/016. This number was decreased to 3,436 (1,769 boys and 1,667 girls) in the FY 2016/017 implying the fact that during the period of one year, the number of refugees went down by 2,756 children. In the FY 2016/017, out of the total 9,804 Bhutanese refugees, 35.04 percent are the children of up to 17 years. This percentage was 35.26 in the last fiscal year.

3.13 Children with Disabilities

According to the Population Monograph, Volume 2, published in 2014 by the Central Bureau of Statistics, 0.99 percent (92,012 persons) of the total population of age 0-14 have disability of any form. Out of them, physically disables are 36.1 percent, vision-impaired 18.5 percent, hearing-impaired 10.4 percent, verbal-impaired 11.5 percent, persons with multiple disabilities 9.5 percent, mentally

retarded 4.53 percent, person with intellectual deficiency 4.3 percent and vision-hearing-impaired are 1.6 percent. The Government of Nepal in collaboration with development partners and civil society organization has been implementing different activities for the protection and rights of children with disabilities.

Being sensitive towards the rights of children with disabilities, the government has managed to provide identity card for them. Based on the nature of the disabilities and the health condition, residential and non-residential scholarships are provided to students with disabilities. Under the special education program, altogether 6,113 students from grade 1 to 8 have got residential and 21,920 got non-residential scholarship. In addition, 376 students from the grade 9 to 10 got residential scholarship, whereas 3,754 students got non-residential scholarship.

As per the Department of Education, 2016 altogether 64,660 children with disabilities were enrolled in basic level (grade 1-8), which was 1.08 percent of the total enrollment of children. This number was addition of 1,260 enrollment in comparison to the previous year. Similarly, in the secondary and higher secondary level (9-12), altogether 9,746 students of any kind of disability were enrolled, which was addition of 300 in comparison to the previous year. This indicates that the access of children with disability to education is slightly improving. However, the accessibility of services to those children with mental disability is still negligible, and the protection of the abandoned children with mental disability and multiple disability have remained a challenge.

As per the point 143 of Budget Speech of the FY 2017/018, continuity will be given to provide rebate in import and production of the supportive materials for the differently able persons and the support through different organizations for rehabilitation of differently able persons. Moreover, there will be continuity to the tax incentives provided to institutions providing employment opportunities for the differently able persons. In addition, all types of public infrastructure will be made disable friendly. The separate educational institution will be managed for the education of visually impaired people.

3.14 Road Accident and Children

Road accident has remained one of the major causes of death of people including that of children. In the FY 2015/016, there were 5,668 accidents that took lives of 166 people. Out of which 13 (9.5 percent) were children. This percent slightly went down to 8.8 percent of total death of children in the FY 2016/017. Metropolis Traffic

Police Division has been trying to execute Vehicle and Transport Management Act to maintain discipline on the street. In this context, efforts have been made by the Division in the lane discipline, action against driving being drunkard, action against those drivers letting passengers to sit at the top of the bus, filling up road potholes and cleaning etc. Moreover, the Division has been conducting trafficking awareness sessions at schools and colleges and also running Traffic FM. Hopefully these initiatives will decrease the number of accidents by which children will be less affected.

3.15 Social Security and Children

Social security is state's interventions (cash and kind) designed to provide for the basic welfare and economic security for individuals and their dependents. Social protection is defined to include not only public social security schemes but also private schemes with a similar objective, such as mutual social benefits and occupational pension schemes. Social protection is concerned with preventing, managing, and overcoming situations that adversely affect people's well-being. Social Protection is also a means of income redistribution to weaker sections of the society, social justice and inclusion, coping and mitigating disasters, strengthen state-citizen relationship, enhance people's capacity to protect themselves against shocks or loss of income and employment, etc.

Article 43 of the Constitution of Nepal has provisioned right to social security, and states that marginalized group of people, incapacitated and helpless citizens, helpless single women, persons with disabilities, children, people who cannot take care of themselves and endangered group of people shall have the right to social security, in accordance with law. The provision of social security for children has been included in various Laws, Regulations and Directives, for example, Directives for scholarship, Directives for Day Meal for School Children, Children's Act, 1992, Children's Regulation, 1995, Child Labor (Prohibition and Regulation) Act, 1999, and Child Protection Grant Guidelines, 2009. A large number of children have been benefitting from the social security related programs.

Social security schemes are gradually being improved. The government has been providing child targeted social benefits in various forms like, direct and indirect, cash and kind including various forms of services. The direct benefits include child nutrition cash grant, free health services and health insurance, free text book and free education to children, different forms of scholarship to various groups of children (e.g., martyr's children, girls, poor, *Dalit*, children with disabilities,

children affected by armed conflicts and so on), materials support to children/ students, free basic education, primary school feeding program and so on. On top of these schemes, there are immunization, transportation allowance as incentive for institutional delivery, food for education, distribution of iodized salt, and free health services like dialysis, cardiology and cancer related diseases for children below 15 years (Please refer to Annex II).

There is a provision of cash benefit per month at the rate of Rs. 2,000 for children with full disability and Rs. 600 for partial disability including subsistence allowance of Rs. 5000 per month for martyr's family and education allowance for up to three children of martyr. In addition, the government provides child nutrition grant to all children below the age of five years of Karnali zone as well as *Dalit* children of all over the country below the age of five years.

Under the “Scholarship and Text book for Education” total amount of NRs. 4,31,98,13,000 was spent in the FY 2016/017, and NRs 79, 33, 12,773 was allocated for child nutrition, *Dalit* and children with disability. Around 4, 27,420 children were benefitted with this amount (Table 3).

Table 3: Children Who Got Social Security Allowance in the Fiscal Year 2016/017

Types of social security	Number of beneficiaries	Amount (NRs)
Child Nutrition	81,387	130219200
<i>Dalit</i> children	309860	495776128
Children with disability	14375*	115002447
Children with severe disability	21798*	52314998
	4,27,420	793312773

Source: Department of Vital Registration, 2074

* It is estimated on the basis of child population (44%) in the total population.

3.16 Juvenile Justice

The government has formed a central level 'Juvenile Justice Coordination Committee' under the chairpersonship of honorable Judge of Supreme Court, whereas there is district level 'Juvenile Justice Coordination Committee' in each district under the chairpersonship of district Judge as per the direction of the Central Committee. Children who perpetrate actions against law come under the conflict with law. The state adopts corrective measures for children who act against law or show delinquent behavior, which is recognized as juvenile justice.

With the notion that a child may commit mistakes but not crime, the Government of Nepal is committed and sensitive to juvenile justice.

In the FY 2015/016, there were 138 cases filed related to juvenile delinquency. Among them, 102 cases (74%) were decided, whereas the rest were in the litigation (process). In the FY 2016/017, out of total 235 filed cases, 168 (71 %) were decided. It implies that in comparison to the previous FY, 3 percent less cases were decided. The juvenile delinquents are mostly accused in rape, attempt to rape, theft, drugs trafficking and attempt to murder charges. Out of them, 115 cases were that of rape followed by burglary, which was 25 in number.

Table 4: Details of Juvenile Delinquent Cases

SN	Nature of case	No. of case	Status of decision		Number of Defendants	Sex	
			Decided case	Cases in process		Male	Female
1	Ordinary theft	21	23	4	23	23	0
2	Burglary	25	14	11	53	53	0
3	Murder	8	6	2	17	16	1
4	Attempt to murder	10	6	4	16	16	0
5	Rape	115	84	31	145	145	0
6	Attempt to rape	12	6	6	24	24	0
7	Public offence	6	5	1	11	11	0
8	Drugs	14	7	7	27	26	1
9	Vehicle accident death	2	1	1	2	2	0
10	Accidental murder	2	2	0	8	7	1
11	Forest related	7	3	4	4	4	0
12	Child Sexual Abuse	5	4	1	7	7	0
13	Incest	3	2	1	3	3	0
14	Rape (unnatural sex)	5	5	0	7	7	0
	Total	235	168	73	347	344	3

Source: JJCC Secretariat. 2074.

The available data shows that number of case related to child delinquency has increased in the FY 2016/017 in comparison to the FY 2015/016. In the FY 2015/016, there were 138 cases with 153 defendant children, whereas the number of cases were 235 with 347 defendant children in the fiscal year 2016/017. Out of them, only three were girls. In the fiscal year 2016/017, the JJCC Secretariat records that among the juvenile delinquency cases, only two involve girls (one against theft and one against drugs). Out of 168 decided cases in the FY 2016/017, the children were convicted in 119 cases.

3.17 Child Correction Homes

There are three child correction homes in Bhaktapur, Kaski and Morang. The government through MoWCSW has been providing all recurrent and capital expenditure to the homes, including deputing required security staff in civil dress. The Department of Jail Management has been providing necessary food, clothing and daily allowance as per the existing rules and regulations. Underprivileged Children Educational Program (UCEP) Nepal has been taking operational responsibilities for the last one and a half decades. In each year, children in conflict with law are brought to homes, and reunited with their families as per the decision of Court. Accordingly, the number of children entering to, living in and reunited with their families fluctuate each year. According to JJCC (2017), the largest number of children (149) was accommodated at Child Correction Home, Sanothimi, whereas, the least number (50) was in Child Correction Home at Sarangkot, Kaski. The data shows that altogether 44 children came to the home and 29 left after fulfilling legal requirement in a period of one year.

Table 5: Children in Child Correction Home

Child correction home	Number of Children
CCH, Sanothimi, Bhaktapur	149
CCH, Biratnagar, Morang	72
CCH, Sarangkot, Kaski	50
Total	271

Source: Juvenile Justice Coordination Committee, 2074

The children are generally in conflict with law on the issues of rape and attempt to rape, murder and attempt to murder, theft, public offence, kidnapping, drugs, and so on. The highest number of cases are related to rape.

3.18 Care for Children

Article 18 of the CRC states that both parents (and legal guardians) have common and primary responsibilities for the upbringing and development of the child. If they are not able to take care of their children, the government has to render appropriate assistance to parents and legal guardians enable them to take of their children. According to the same article, the government is obliged to take appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible. Similarly, the article 20 of the CRC mentions that the responsibility of the alternative care of children without parents lies on the shoulder of the state.

According to the clause 34 of Children's Act, 1992, the government can establish or allows any person or organization to establish Children's Welfare Home in the various regions of the country as per requirement. The clause 35 of the same act has provision to keep abandoned or lost child in such welfare homes until and unless their parents are traced out. In addition, the clause 43 of the same act has the provision of establishing orphanage and center for orphans, disabled or mentally retarded children having no parents. The Government has enacted 'Standard for Operation and Management of Residential Child Care Homes, 2012.

3.18.1 Child Care Homes

As of July 2017, there are altogether 567 Child Care Homes (CCHs) in 44 different districts, in which 16,536 children are residing. In the previous year, there were a total of 577 such homes. In terms of provincial distribution, Province -3 has the highest number of CCH (415), whereas Province -7 has only 12 CCHs. Lately, CCWB has developed a software to maintain information of CCHs. During the FY 2016/017, a total of 258 officials of CCHs were provided with the software training. The CCWB is in the process of updating information of such homes.

As per the Standard for Operation and Management of Residential Child Care Homes, 2069, CCWB monitored 68 residential CCHs (especially in Kathmandu Valley) in the FY 2016/017. Similarly, DCWBs in 39 different districts monitored 394 more such homes basically out of Kathmandu Valley. On the basis of the findings of the monitoring visits, 12 CCHs which have not met minimum standard, were recommended to close them down, and 114 children staying in those homes were rescued, and among them some were rehabilitated to another CCHs and some were reintegrated to their families. During the FY 2016/017, 63 CCHs were approved to start homes.

3.18.2 Children staying in Religious Institutions

Religious residence are also being operated by Madarsa, Gumba/Vihar (Monastery), Gurukul, etc. According to the information related to primary to higher secondary schools of 2015 of Department of Education, there were altogether 930 religious educational institutions. Out of which, 765 were Madarsas, 82 were Gumba and Vihars, and 83 were Gurukuls.

In the FY 2015/016, 27 districts were found operating religious institutions, in which 44 residential Hindu educational institutions (Temples, Dham, Gurukul, Bidhyapith, Ashram etc.), 31 Buddhists educational institutions (Gumbas and

Vihars), 61 Islamic religious institutions (Madarshas), and 11 Christian related educational institutions (Churches) were recorded, where altogether 6,686 children were residing, out of which 1,452 were girls. Lately, CCWB collected information of 164 religious educational institutions in 29 districts providing residential educational services to 8,521 children. Out of the total children, 1,417 are girls. According to the latest record of Buddhist Philosophy and Monastery Development Committee, there are 2555 monasteries. However, 2500 monasteries have not yet come into contact with the government, and the nature of education they have been providing is still unknown. This required to have a national study to assess the situation of children who are residing in the residential religious institutions for the purpose of acquiring education. The CCWB has recently conducted a brief study on the situation of children residing in residential religious educational institutions with the following findings:

- Most of the religious educational institutions are not registered with government system;
- Most of the residing children are from poor family either double or single orphaned;
- Inadequate number of subject specific teachers;
- Mostly residing kids don't have their birth certificates;
- Gurukuls are accepting non-Brahmin children as well;
- Some of the institutions have followed government curricula, whereas many of them focusing more on religious faith based education system;
- No regular medical checkup ;
- Inadequate child friendly learning environment; and
- Such institutions need to register to the government system with updated information.

3.19 Child's Rights to Privacy

The article 28 of the Constitution of Nepal has provisioned the right to privacy of the citizen, which is applicable in case of children as well. Regarding the privacy of the child, article 16 of the CRC states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful actions on his or her respect and reputation. The child has the right to protection of the law against such interference or actions.

The Supreme Court issued Procedural Guidelines related to litigation of special legal cases in December 2007. In order to make media child sensitive, the Press Council has issued “Child Sensitive Media Guidelines, 2017”. Encouragingly, there are increasing trend of protecting the privacy of the children in legal and other cases related to children. Moreover, print and electronic media have been covering child related incidents with pseudo names and identities.

Gorkhapatra, a Nepali Daily Vernacular published a picture in page 13 of 20th June 2017, in which children were taking bath collectively being nude in Haripur Municipality-10, Sarlahi Districts. The CCWB drew attention of Gorkhapatra regarding the right to privacy of children. As a consequence, Gorkhapatra issued “regret with apology” note for publishing such a picture.

3.20 Physical Punishment and Bullying

Despite the efforts of raising awareness on child rights, physical punishment to children still do exist in the schools, communities and in other place where children get involved.

3.20.1 Physical and Mental Punishment

The Government in collaboration with the NGOs and development partners have been trying to address the issue of corporal punishment through “National Campaign against Corporal Punishment”. However, physical and mental punishment is rampant in schools, CCHs, homes, etc. It also exists in the form of torture, and other inhumane and degrading behaviors.

There are incidents in schools reported by media, in which school teachers physically punish students aiming to make them better both in studies and disciplines. In the FY 2016/017, 18 different incidents of corporal punishment were reported, in which 15 were boys and 3 were girls. As far as perpetrators are concerned, 15 were male teachers and 3 were female teachers. Despite the fact that Ministry of Education has adopted policies, directives and programs for child friendly learning environment at schools, the teachers and staff are not enough sensitive towards the rights of children.

3.20.2 Bullying

Bullying of children is common in the Nepalese society which is prevailing at schools, at homes, communities and working places. It causes short terms and long term physical and psychological impacts on children and even it affects to the

personality development of a person. Sometimes, it is heard of committing suicide by victim of bullying, and no policy and significant intervention has been taken place against bullying. MoWCSW and CCWB are in the process of formulating policy against bullying.

3.21 Children and Suicide

As of media and information received from different DCWBs, there are increasing incidents of suicide of children. There are different reasons reported for such suicidal incidents, namely illiteracy, poverty, failure in examinations, love affairs, psychological stress, frustration, anger etc. In the FY 2015/016, there were 28 such cases in six districts, which was increased to 32 in the FY 2016/017 in seven districts, namely Dolakha, Banke, Kahmandu, Sindhuli, Bhaktapur, Kavre, and Gorkha. It is also reported that girls committed suicide more than boys, and mostly those children committed suicide who were in the age group of 15-18 years. Suicidal cases of children are being regularly published by media - both print and electronic.

3.22 Children and Election

According to clause 4(m) of Election Code of Conduct, 2015 published by the Election Commission, no children shall be used or cause to be used in election campaigns, mass meetings and rallies. Local election was concluded in three phases - 14th May; 16th June and 18th September, 2017. With an aim of ensuring child rights by avoiding any misuse of children before, during and after election, CCWB made various efforts as given below:

- Requested to Election Commission to include the provision not to misuse children in the election in Election Code of Conduct;
- Sent request to political parties not to use children in their political activities;
- Requested to National Human Rights Commission to observe and monitor the human rights issues during election from child rights perspective ;
- As per the clause 4(m) of Election Code of Conduct 2015, continuous efforts were made by CCWB and DCWBs to sensitize and aware political parties through interaction, meeting and public message and requests to abide by the code of conduct;
- Monitored the election activities in 13 districts and in other districts were monitored by DCWBs; and
- Created separate Face Book Page, and three important messages were boosted in the page which was followed by 2.1 million Facebook users.

3.22.1 District Level Monitoring

During the election of local level in the first, second and third phase in 57 districts, child rights monitoring was done by District Child Welfare Boards. The brochures in each district were prepared and distributed to political parties and common people with the message that children should not be misused in any kind of political activity. In 26 different districts, DCWBs interacted with those political parties which misused children for their political purpose. In order to have effective child rights monitoring, District Level Election Monitoring Committee was formed under the convenorship of DCWB in 40 districts. In 48 districts, major political parties have shown their commitment through their signatures for not misusing children for their political interests.

3.22.2 Incidents of Misuse of Children in Local Election

As information collected from CCWB and 57 DCWBs, there were 579 different incidents during first, second and third phase local elections in which children were misused. There could have been more incidents like this, which could not be exactly mentioned as rest of the districts were not monitored. Out of 579 incidents, 26 percent took place in the first phase, 24 percent occurred in the second phase and 50 percent happened in the third phase of local elections. Altogether 5119 children were misused for all three phases of local elections in 36 districts out of 75 districts in the country.

Before, during, and after election, the children were misused for different activities, namely rally, public meetings, nomination filing, door to door campaign, carrying and sticking of publicity materials, and wearing T-Shirts. Moreover, children were used also for cultural programs and entertainment related activities, especially asking them for singing and dancing.

Despite the fact that Election Code of Conduct strictly prohibits the use of children in political and election related activities, the political parties in one way or the other misused children during local election. Based on information received from different districts, the Nepali Congress stood first in terms of misusing children. Nepali Congress misused around 30 percent (2,023 children) in different election related activities whereas CPN (Maoist) misused around 27 percent (1,812 children), CPN (UML) misused around 26 percent (1,711 children) children and the rest 17 percent children by other political parties.

CHAPTER IV

CHILD DEVELOPMENT

4.1 Introduction

This chapter includes child development issues such as child education, sports, and others mentioned in Article 28, 29 and 31 respectively of CRC.

4.2 Early Childhood Development

The Constitution of Nepal, Education Act, 1971 and Education Regulation include provisions for early childhood development (ECD). ECD Guidelines, 2006, National Plan of Action on Education for All (2001-2015) has provisions for strengthening ECD management.

Aiming to make universal ECD, efforts are underway to expand the coverage of ECD facilities. The number of ECD centers was 35,991 in the academic year of FY 2015/016. Whereas, it was 36,093 in the FY 2016/017. For the last few years, the number of ECD Centers have been in increasing trend. The following table shows community based ECD centers and institutional school based ECD Centers in different years.

Table 6: ECD in Different Years

SN	Types of ECD	Years				
		2069	2070	2071	2072	2073
1	Community based	29,273	29,535	3,0034	30,448	30,448
2	Institutional School based	4,901	5,087	5,087	5,543	5,645
3	Total	34,174	34,622	35,121	35,991	36,093

Source: Flash I Report, Department of Education, 2073

According to the Department of Education of the FY 2016/017, ECD enrollment was around 82.9 percent, which was 81 percent in the previous FY. Though additional 102 ECD centers were established in the academic year 2016/017, the number of students decreased by 3,952.

Table7: Details of Children Enrolled in Grade One with ECD Experience

Geographical area	New enrolment in grade one			Details of ECD experienced children in grade one		
	Girls	Boys	Total	Girls (%)	Boys (%)	Total (%)
Mountain	22548	23436	45984	58.2	61.6	59.9
Hill	89993	96917	186910	56.9	59.8	58.4
Kathmandu Valley	14904	16652	31556	65.8	61.2	63.3
Terai	139385	137376	276761	71.4	70.6	71.0
Total	266830	274381	541211	64.3	65.0	64.7

Source: Flash I Report, Department of Education, 2073

The above table shows that the number of new enrolled and the percentage of children enrolled with ECD experience both are greater in Terai in comparison to other geographical regions. The percentage of students who were enrolled in grade 1 with ECD experience has increased to 64.7 in the FY 2016/017 in comparison to the previous FY 2015/016, which was 62.4 percent.

According to the report of Department of education, students who were enrolled in grade 1 was 9,22,147 in the academic year of the FY 2014/015, but it was 8,54,702 in the academic year of the FY2015/016. This number remarkably reduced to 8,36,498 in 2016/017. The major reason for reduction of enrolment can be because of decline in birth rate.

4.3 School Level Education

The Constitution of Nepal has included education as a fundamental right. Because of the investment from the government and NGOs and also because of educational awareness programs, the enrollment in primary education has been increasing. According to the Department of Education, net enrolment in the primary level (1-5) for the last three years is in increasing trend. It was 96.2 percent in 2014, 96.9 in 2015 and reached to 96.6 in 2016. The table 8 below presents the number and percent of students in various levels of school education.

Table 8: Number of Students as per Educational Level (2016/017)

Educational Level	The Number of students			Girls Enrolment Percentage
	Girls	Boys	Total	
Primary (1-5)	2086165	2049088	4135253	50.4
Lower Secondary (6-8)	939292	920067	1859359	50.5
Basic (1-8)	3025457	2969155	5994612	50.5
Grade 9-10	496347	462155	958502	51.8
Grade 11-12	268785	224199	492984	54.5
Grade 9-12	765132	686354	1451486	52.7
Grade 1-12	3790589	3655509	7446098	50.9

Source: Flash I Report, Department of Education, 2073

In comparison to the academic year 2015, the students in secondary and higher secondary level is higher in academic year 2016 implying the fact that enrolment in higher educational level is in increasing trend. As far as enrolment percentage of girls in the academic year 2016 are concerned, it was 50.4 percent in primary level; 50.5 percent in lower secondary level; 52.7 percent in secondary and higher secondary level. It was reported as 54.5 percent in the case of class 11 and 12 (Table 8).

Despite the fact that the improvement in the access to education has remained satisfactory, there are challenges in terms of maintaining quality of school education in general and learning achievement in particular.

Table 9: Learning Achievement

Grades	Subjects and Learning Achievement			
	Years			
	2070/071	2071/072	2072/073	2073/074
Grade 5	Maths-53	Maths-53	Maths-53	Maths-48
	Nepali-60	Nepali-60	Nepali-60	Nepali-46
	English-54	English-54	English-54	English-47
Grade 8	Maths-43	Maths-35	Maths-35	Maths-35
	Nepali-49	Nepali-48	Nepali-48	Nepali-48
	Social Studies-49	Social Studies-41	Social Studies-41	Social Studies-41

Source: Economic Survey, Fiscal Year 2016/017, Ministry of Finance

The above table shows that learning achievement over the years (from the academic year of the FY 2013/014 to 2016/017) has gone down of grade 5 in math, Nepali and English. Whereas in case of grade 8, the learning achievement over the same period has gone down especially in case of Math, Nepali and Social Studies. There can be different reasons behind low learning achievement. First, schools in general and class rooms were badly affected by devastating earthquake of 2015. Moreover, in the following year the schools were closed for months because of undeclared economic blockade to Nepal by India and Madhesh movement. In future, more efforts need to be made to improve the quality of education.

Budget Speech of the FY 2017/018 (Point 123) has mentioned that School Sector Development Program will be implemented to increase managerial capability of schools by making school education more equitable and qualitative through the continuity of the policy of making primary education compulsory and free of cost; and making secondary level education gradually free of cost along with the continuity of curriculum based technology friendly learning program.

4.4 Compulsory and Free Education

Article 31 (2) of the Constitution of Nepal states that every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State. This implies that country is moving towards making compulsory and free education up to the basic level and free education up to the secondary level. In this reference, 179 alternative learning centers are in operation. Moreover, in the FY 2015/016 compulsory and free education was brought into implementation in 25 districts, namely Panchthar, Kaski, Mustang, Dhankuta, Saptari, Siraha, Lalitpur, Bhaktapur, Parsa, Rupandehi, Syanja, Manang, Dolpa, Humla, Bardiya, Surkhet, Jajarkot, Doti, Baitadi, Dadeldhura, and Kanchanpur.

Budget Speech of the FY 2017/018 (point 123) states that continuous opportunity for education will be ensured through open and alternative schools for the children with school age deprived of school education. It implies the fact that government has prioritized school level education.

4.5 Status of SEE Examination

Since 2015, the result of Secondary Education Examination (SEE) has been started to publish in grade system. Under the new system none of the student fails. In 2015, 43,7326 students appeared in SEE examination whereas this number increased to 4, 45,564 in the year 2016. This implies that additional 8,238 students appeared in the SEE examination in 2016 in comparison to that of 2015. However, the number of students who passed with GPA ranging from 3.6 to 4.0 has declined by 4,170 students. This has conveyed the message to all quarters that additional efforts need to be made to improve school level education.

4.6 The Number of Schools

According to the report of Ministry of Education, the total number of schools were 34,837 in the academic year 2015, and it was reduced to 34,739 in 2016. The reduction of number is either due to closure or due to merger of different schools. The number of conventional and religious schools were 875 in academic year 2014 and 930 in the academic year 2015.

CHAPTER

V

CHILD PARTICIPATION

5.1 Introduction

Children have right to participate in all activities affecting them at all levels - family, school, community, district, regional, and national. For the last few decades, child participation has been encouraged in the process of national periodic development planning process and other events. Generally, children participate in various activities through schools and child clubs. The Supreme Court has decreed government to provide legal recognition to child club. Different articles of CRC, namely protection of rights (article 4), respect of child views (article 12), freedom of expression (article 13), freedom of religion (article 14), freedom to be organized (article 15), right to privacy (article 16), and access to information (article 17) are related with child participation.

5.2 Freedom of Expression and Views

The Constitution of Nepal has a provision for child participation in article 39 (3). The Constitution has provisioned for freedom of expression and views under fundamental rights and also ensures freedom of running an organization. These rights are equally applicable to children. After the ratification of the CRC, child participation has massively been increased in the formulation of plans, policies and programs.

Nepal is recognized for having unprecedented growth of FM stations across the country over the short span of time. There are altogether 596 FM stations regularly airing programs. These FMs which are running around the clock are sparing on an average 15 minutes for programs exclusively related to children as well. Moreover, almost all TV channels have been broadcasting programs related to children including the issue of child participation.

Print media are also regularly publishing child centered materials and also encouraging children to contribute in Nepali vernaculars. Kantipur Daily is

publishing “KOPILA” a supplementary child centered publication each Sunday exclusively targeting children. Similarly, “ANKUR” by Annapurna Post daily every Sunday; “JUNKIRI” by Nagarik Daily each Saturday and “MUNA” by Gorkhapatra every month are being published.

5.3 Child Club

CCWB has developed 'Child Participation Guidelines, 2005' to manage child clubs. Accordingly, DCWBs give affiliation to child clubs. As per the available information, there are altogether 23,000 child clubs in 75 districts across the country. Child clubs are based on both schools and communities, and affiliated either with DCWBs or District Development Committees. However, child clubs are being run in the schools without any registration. Recently, the Ministry of Federal Affairs and Local Development has enacted directives on 'Formation and Facilitation of Child Clubs/Child Organizations and Child Groups, 2017'. According to the Directive, those child clubs/child groups they should be registered within one month of their formation at municipality/rural municipality and at the ward office. Moreover, those child clubs/groups which are formed at schools will be affiliated with schools themselves and those which are formed at communities will be affiliated with respective municipality and rural municipality.

Child clubs have been conducting various awareness raising activities related to child rights in communities and schools from the beginning of their formation. Child club's main activities include awareness raising for birth registration; school enrollment campaign; awareness on child labor reduction; child participation promotion; awareness on immunization; free education promotion; publicity for learning without fear; environment; parental education; awareness against child marriage, etc.

The formation of child clubs is in increasing trend. In comparison to previous FY 2015/016, Dolakha, Kabhre, Kaski, Dhading, Ramechhap, Gorkha, Lalitpur, Kathmandu, Sindhuli, Nuwakot, Kanchanpur, Bhaktapur and Chitawan districts witnessed addition of 978 child clubs in the FY 2016/017.

CHAPTER VI

CONCLUSION

The Government of Nepal is striving towards ensuring the rights of children. In this course, different legal and policy measures have been adopted along with different programmatic interventions. The present Constitution has historically included different provisions for the rights of children.

There is no doubt that the situation of children over the years has been improving, which is justified by different indicators related to them. However, much more has yet to be done to create a situation where all children enjoy their full rights. The access of children on health and education facilities has definitely improved over the years, but there are challenges in the area of child protection.

With the slogan “No need to live in street and not allowed to live in street”, a program related to rescue and rehabilitation of street children, which was commenced in 2015 under the leadership of MoWCSW and CCWB, is underway with great success. In totality, the programs related to awareness raising on child rights, awareness against child labour and child marriage, and rescue of children at-risk and their protection are underway. These programs have contributed to improve the situation of children at-risk gradually.

Access of children to education has increased, but quality of school education has yet to improve accordingly. Learning achievement of students of grade 3, 5 and 8 of community schools has gone down in 2016 as compared to the past. Similarly, the result of SEE of 2016 plunged down in comparison to the result of 2015.

Government agencies, NGOs, civil society, media, development partners and child clubs have been actively engaging themselves in order to protect and promote child rights protection. However, there are ever increasing incidents in the society which have violated the rights of children. All concerned should redouble their efforts and concentrate their attention to ensure the rights of children by not letting such incidents to happen.

There are many challenges in a bid to ensure the rights of children as incidents related to violation of child rights, namely child marriage, sexual exploitation and abuse, child labour, and other tradition harmful practices. In this context, federal, provincial and local level government need to increase their investments and efforts to protect the rights of children focusing on rescue, protection and rehabilitation of children along with preventive programs.

The political parties through their manifestoes which were proclaimed during recently held local elections, have included the issues related to child rights. This is really a welcoming step, but there are many incidents reported in which political parties have misused children in their political activities. In future, all concerned need to be aware that misuse of children in political activities and also such activities in schools should not take place.

The Toll Free Child Helpline-1098 and 104 have been doing great jobs in terms of rescuing, helping and protecting children who are at-risk and, hence the services of these hotlines need to be expanded in other geographical areas with scaled up services in future.

There is an urgent need to maintain and update data and information related to various dimensions of children by concerned government agencies and also by Sports Council. The capacity of CCWB and DCWBs should be strengthened in order to have effective monitoring of Acts, laws, policies and activities meant for the protection and promotion of the rights of children and also for facilitating in the implementation of child rights oriented activities. Various efforts that are aimed at child rights protection should be visualized and felt by commoner as genuine programs, and they should help in streamlining and further refining child protection mechanism.

In summary, there is a need to continue reform initiatives in child rights sector ensuring that achievements that have been made so far do not get compromised. For this to happen, federal, provincial and local governments should work in collaboration with all stakeholders, and all concerned should be serious, committed and sensitive to child rights issues.

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Concluding observations (Recommendations) by the Committee on the Rights of the Child on the Third to Fifth Periodic Reports of Nepal

A. General measures of implementation

- Review of existing Children's Bill with a view to adopting a comprehensive, integrated and rights-based legislative framework incorporating all child-related provisions in its legislation are in accordance with the Convention.
- Evaluation of its previous National Plan of Action with a view to preparing a comprehensive policy on children that encompasses all areas covered by the Convention coordinating the sectorial plans in a coherent manner and ensure that these are provided with sufficient human, technical and financial resources.
- Establishment of a single inter-ministerial and inter-sectoral mechanism for the coordination, monitoring and evaluation of all activities regarding the implementation of the Convention by ensuring that resources are efficiently, effectively and transparently allocated within the framework of international cooperation, prioritizing the reconstruction of the infrastructures destined for child services.
- Creation of a system of data collection and indicators consistent with the Convention and disaggregated by sex, age, parish and dependency.
- A specific mechanism or section within the National Human Rights Commission of Nepal may be established for monitoring children and that is able to receive, investigate and address complaints by children in a child-sensitive manner.
- Strengthen efforts to ensure that the provisions and the principles of the Convention are widely recognized and understood by adults and children alike through education and training.

B. Definition of the child

- Amend the definition of a child to ensure that all of its laws comply with the Convention and ensure that all children under the age of 18 benefit from the full protection under the Convention.
- Explicitly include the best interests of a child as a criterion for decision-making in all relevant legislation and take further steps for this right to be appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programs and projects that are relevant to and have an impact on children.

- Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in communities.

C. Civil rights and freedoms

- Increase government's efforts, including awareness-raising campaigns, to ensure the registration of all children at birth.
- Local government authorities, who are entrusted with the task of birth registration, should actively engage with the local communities to ensure that births are registered in a timely and effective manner.
- Reform (amendment) in the legal provisions related to Vital Registration and citizenship in line with article 7 and 8 of the Convention.

D. Violence against children

- Strengthen efforts to put an end to torture and ill-treatment of children in all settings.
- Amend domestic legislation to correspond with international standards requiring the explicit criminalization of torture and other forms of ill-treatment.
- Prohibition of corporal punishment in all settings.
- Ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.
- Enact legislation which clearly defines and prohibits the abuse and neglect of children in all settings.
- Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence.
- Encourage community-based programs aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former child victims, volunteers and community members, and providing training support to them.
- Abolish the six months statute of limitation for rape; and, establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation.
- Take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programs and adopting and implementing legislation explicitly prohibiting such practices.
- Effective interventions against child marriage.
- Conduct awareness-raising campaigns to combat stigma and discrimination against intersex children.

E. Family environment and alternative care

- Exeditiously pass legislation that is in compliance with the Convention for the regulation of alternative care and foster care.
- Support and facilitate family-based care for children wherever possible, including for children in single-parent families, and establish a system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children.
- Develop and implement strict criteria for the adoption of the Nepalese children abolishing the provision stating that poverty of the parents of a child can be a legal ground for adoption.

F. Disability, basic health and welfare

- Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programs.
- Take measures to increase the availability of physically accessible public buildings.
- Exeditiously allocate additional human, technical and financial resources for improving access to and quality of health services, particularly in rural areas.

G. Education, leisure and cultural activities

- Enact legislation to ensure the effective implementation of the constitutional right to education.
- Implement appropriate financing strategies, so as to ensure the effective and actual provision of free quality education to all without discrimination, in all parts of the country, in particular for children in most marginalized situations.

H. Special protection measures

- Take legislative, administrative and institutional measures to ensure that all children are registered at birth, including children born to refugees and asylum seekers.
- Provide adequate housing for internally displaced children and their families living in IDP camps or informal settlements and ensure that they have access to sufficient food, clean drinking water, sanitation, health care and education.
- Ensure the provision of educational syllabus in the native language of indigenous children.
- Strengthen the enforcement of existing legislation and policies to eradicate the practice of child bonded labour.
- Amend the Child Labour Act and other relevant legislation so that the necessary regulation of child labour applies to all areas of work, including the worst forms of child labour and the informal sector.

- Ensure that detained children below 18 years are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions.
- In cases where deprivation of liberty is unavoidable and used as a last resort, for the shortest appropriate time, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law.
- Expedite the construction of separate facilities (child correction centers) and separate cells in detention facilities for persons below 18 to ensure that they exist in all districts.

Summary of Observations and Recommendations of CRC Committee and Related Organizations

Enactment of Children’s Act and Amendment of Other Necessary Acts	Related Ministries/Entities
Review of Children’s Bill with a view to adopting a comprehensive, integrated and rights-based legislative framework for the implementation of the Convention.	MoWCSW, MoLJPA
Expediently amend definition of the child, those who are below 18 will be considered as a child.	MoWCSW, MoLJPA
Amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act, 2006 and articles 11 (3), 11 (5) and 11 (7) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention.	MoFALD, MoLJPA
Amend domestic legislation to correspond with international standards requiring the explicit criminalization of torture and other forms of ill-treatment.	MoLJPA
Expressly prohibit corporal punishment and ill-treatment of children by law in the family, schools and other institutions; Expedite the process of amending the relevant provision of the Children’s Act and the Muluki Ain, 1963 to ensure compliance with article 19 of the Convention.	MoWCSW, MoLJPA
Policy Implementation, Procedural Drafting Arrangement	
Effective implementation of related legislations in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life, especially in family relations, the criminal and civil justice system and property rights, and take measures to eliminate any forms of discrimination in practice.	MoLJPA

Establish an independent inquiry into all alleged cases of torture and ill-treatment of children during and after the civil war; ensure that all those who have been ordering, condoning or facilitating these practices at all levels of decision-making be prosecuted and subject to commensurate sanctions, and ensure that children who have been victims of torture and ill-treatment obtain redress and adequate reparation, including physical and psychological recovery and guarantees of non-repetition.	Ministry of Peace and Reconstruction
Explicitly include the best interests of a child as a criterion for decision-making in all relevant legislations and take further steps for this right to be appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programs and projects that are relevant to and have an impact on children; Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area.	MoWCSW
Conduct an evaluation of its previous National Plan of Action (NPA) with a view to preparing a comprehensive policy on children that encompasses all areas covered by the Convention; Develop a strategy that coordinates the sectorial plans in a coherent manner and ensure that these are provided with sufficient human, technical and financial resources.	MoWCSW
Prepare NPA accommodating provisions of the Optional Protocol on the sale of children, child prostitution and child pornography	MoWCSW
Evaluate the National Plan of Action for the Conflict affected Children	MoPR
Evaluation of its previous NPA with a view to preparing a comprehensive policy on children that encompasses all areas covered by the Convention; Develop a strategy that coordinates the sectorial plans in a coherent manner and ensure that these are provided with sufficient human, technical and financial resources.	MoPR, Ministry of Finance
Ensure allocation of adequate human, technical and financial resources to enable implementation of long-term programs for addressing the root causes of violence and abuse.	MoPR, Ministry of Finance
Mechanism in the Federal, Provincial and Local Level for the Child Rights	
Establish a single inter-ministerial and inter-sectoral mechanism for the coordination, monitoring and evaluation of all activities regarding the implementation of the Convention.	MoWCSW
Review the existing mechanisms established for the protection and promotion of rights of children to clarify/redefine their roles, responsibilities, authorities; Develop directives, procedural guidelines and manage resources to ensure the implementation of interventions.	NPC, MOF

Prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and using the rights-based approach.	NPC, MOF, Sectorial Ministries
Ensure allocation of resources efficiently, effectively and transparently, which are allocated within the framework of international cooperation, prioritizing the reconstruction of the infrastructures destined for child services.	NPC, MOF and sectorial ministries
Review the coordinating role of MoWCSW and strengthen it with adequate resources along with authority.	NPC, MOF and sectorial ministries
Development of Effective Centralized System for Data Collection	
Develop a system of data collection and indicators consistent with the Convention and disaggregated by sex, age, parish and dependency.	NPC, MoWCSW, MoE, MoH, MoHA, CCWB, DCWBs, CBS, Nepal Police
Establishment of Capable and Autonomous Child Rights Mechanism Along With Strengthening of the Existing Ones	
Ensure the independence of the National Human Rights Commission making it capable for monitoring children and able to receive, investigate and address complaints by children in a child-sensitive manner with privacy and protection of victims.	Office of the Prime Minister and Council of Ministers; NHRC, MoWCSW; MoLJPA
Dissemination, Awareness Raising and Training	
Ensure that the provisions and the principles of the Convention are widely recognized and understood by adults and children alike; undertake systematic education and training on the rights of the Convention for children and their parents, as well as all professional groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers.	MoWCSW, MoFALD, MoE, NHRC, NJA, NASC, CCWB, DCWBs, Ministry of Defense, Nepal Army, Ministry of Information and Communication, National Dalit Commission

Major Programs Related to Cash and Kind Transfer for the Direct Benefits of Children

SN	Benefits	Cash/Kind/ Services	Children Benefitted (Number)	Total Amount (in Rs. '000)
Ministry of Education				
1.	Free Text Books for students of grade 1-5	Kind	2527441	647740
2.	Free Text Books for grade 6-8	Kind	1319636	572856
3.	Free Text Books for grade 9-10	kind	725328	402541
4.	Free Text Books for grade 11-12	kind	3522	125039
5.	Scholarship for <i>Dalit</i> Students of grade 1-8	Cash	39003	15592
6.	Scholarship for <i>Dalit</i> students of grade 1-8(Non-residential)	Cash	718471	278546
7.	Scholarship for <i>Dalit</i> students of grade 9-10	Cash	9229	44624
8.	Scholarship for all students of Basic Level (grade 1-8) (Including Karnali Package)	Cash	11351	4540
9.	Scholarship for targeted groups' students of Basic Level	Cash	100840	46894
10.	Scholarship for girls students of grade 1-8(Non-residential)	Cash	2193695	6,52,088
11.	Scholarship for students with disabilities of grade 1-8(Non-residential)	Cash	21920	67990
12.	Scholarship for students with disabilities of grade 1-8(Residential)	Cash	6113	186382
13.	Scholarship for students with disabilities of grade 9-10(Non-residential)	Cash	3754	11,666
14.	Scholarship for students with disabilities of grade 9-10	Cash	29	1050
15.	Residential Scholarship for Students with disabilities of grade 9-10	Cash	347	4546
16.	Scholarship to children of Martyrs	Cash	6	120
17.	Scholarship to children of Martyrs(Non-residential)	Cash	20	444
18.	High school education scholarship to students of grade 9-10 (Non-residential)	Cash	103520	141459
19.	Scholarship to students of marginalized communities	Cash	11977	7469

20.	Scholarship to conflict affected children (Non-residential)	Cash	4704	60958
21.	Scholar to Freed Kamlari students	Cash	1611	4138
22.	Scholar to Freed Kamlari students (Non-residential)	Cash	702	2318
23.	Ram Naryan Mishra Special Scholarship	Cash	17407	45028
24.	One time scholarship to <i>Dalit</i> students (both boys and girls) who appeared in SEE in order to prepare Bridge Course and short term skill development trainings	Cash	3508	11630
25.	Residential Scholarship to students who reside in hostels in mountainous areas	Cash	110	4400
26.	Residential scholarship to students from freed Kamlaris, hostels in mountainous region, feeder hostels and model schools	Cash	2006	76884
27.	Grant for running hostel for those who are getting residential scholarship	Cash	1527	22373
28.	Residential scholarship to study in Comprehensive School to those who are from the most disadvantageous communities completing grade 8 and failed to enroll to grade 9.	Cash	39	1560
29.	Day meal in designated districts	Services	295432	713798
30.	Day Meal to students from ECD to grade 5 of Karnali	Services	48929	165137
Ministry of Federal Affairs and Local Development				
1.	Nutrition allowance to Children below five years of Karnali and all <i>Dalit</i> children across the country			Monthly Rs. 400
2.	Allowance to Children with severe disabilities across the country holding Red Identity Card			Monthly Rs. 2,000
3.	Allowance to children with partial disabilities across the country holding Blue Card			Monthly Rs. 600
4.	Incentives for <i>Dalit</i> families across the country and all families within Karnali areas for registering the birth of their babies within 35 days of birth			Rs.1000
Central Child Welfare Board				
1.	Program for Campaign for " Street Free Children"			Cash and Services
2.	Emergency Support to children who are at risk			Cash and services
3.	Toll free Child Help Line-1098 operation and management			Services
4.	Centre for Children at Risk-Toll free hotline 104			Services
Ministry of General Administration				
1.	Scholarship program for children of civil service employee			

10 Points Biratnagar Declaration for child protection and promotion of child sensitivity among all sectoral agencies

We, the participants of provincial conference entitled "Child Sensitivity and Child Protection" dated on 5-6 Poush, 2073 Biratnagar, representing Ministry of Women, Children and Social Welfare, Department of Women and Children, Central Child Welfare Board, Juvenile Justice Coordination Committee as well as District Judges, Chief District Officers/ Chairperson-District Child Welfare Board, District Attorney, Local Development Officer, District Police Head, District Education Officer, District Public Health Officer, Child Welfare Officer and representatives from aforementioned agencies are committed and hereby signed upon the following points to ensure the protection and promotion of the rights of the child and its reflection in policy, planning, program, investment, coordination, collaboration and surveillance:

1. To control, minimize and manage the multi faceted problems related to child protection in Nepal; child marriage, sexual exploitation, abuse, child labor, street children, engaging children in political activities, illicit transportation, corporal punishment, drug abuse, and children living under difficult circumstances.
2. To protect and provide immediate services to the victim and affected children in child friendly manner.
3. To deliver the services with respecting the child sensitivity regarding the age, disability, sexual orientation and sexual minorities.
4. To conduct mass awareness program including parental education even in local language for the protection and promotion of the rights of the child and reduction of violence against children
5. Augmenting the child sensitivity among all the stakeholders by the virtue of sensitization and capacity enhancement, strengthening existing mechanism, effective delivery of child focused services and maintaining child sensitivity from planning process to resource allocation.
6. To coordinate and collaborate among all the governmental and non governmental agencies working for the protection and promotion of the rights of the child in the district to realize tangible results.
7. To roll out/scale up/expand the best practices practiced for the protection and promotion of the rights of the child.
8. To coordinate and facilitate with media for making them more sensitive towards the children in the course of broadcasting, publishing and telecasting the issues related to children and respecting the principle of confidentiality.
9. To integrate, manage and update the information, facts and data related to children.
10. To appeal the political, social and economic agencies and personnel as well to protect and promote the rights of the children.

“बालमैत्री शासन: बालअधिकारको सम्मान”

नेपालको संविधान र बालअधिकार

धारा ३९. बालबालिकाको हक

१. प्रत्येक बालबालिकालाई आफ्नो पहिचान सहित नामकरण र जन्मदर्ताको हक हुनेछ ।
२. प्रत्येक बालबालिकालाई परिवार तथा राज्यबाट शिक्षा, स्वास्थ्य, पालन-पोषण, उचित स्याहार, खेलकूद, मनोरञ्जन तथा व्यक्तित्व विकासको हक हुनेछ ।
३. प्रत्येक बालबालिकालाई प्रारम्भिक बालविकास तथा बालसहभागिताको हक हुनेछ ।
४. कुनै पनि बालबालिकालाई कलकारखाना, खानी वा यस्तै अन्य जोखिमपूर्ण काममा लगाउन पाइने छैन ।
५. कुनै पनि बालबालिकालाई बालविवाह, गैरकानुनी ओसारपसार र अपहरण गर्न वा बन्धक राज्न पाइने छैन ।
६. कुनै पनि बालबालिकालाई सेना, प्रहरी वा सशस्त्र समूहमा भर्ना वा प्रयोग गर्न वा सांस्कृतिक वा धार्मिक प्रचलनको नाममा कुनै पनि माध्यम वा प्रकारले दुर्व्यवहार, उपेक्षा वा शारीरिक, मानसिक, यौनजन्य वा अन्य कुनै प्रकारको शोषण गर्न वा अनुचित प्रयोग गर्न पाइने छैन ।
७. कुनै पनि बालबालिकालाई घर, विद्यालय वा अन्य जुनसुकै स्थान र अवस्थामा शारीरिक, मानसिक वा अन्य कुनै किसिमको यातना दिन पाइने छैन ।
८. प्रत्येक बालबालिकालाई बाल अनुकूल न्यायको हक हुनेछ ।
९. असहाय, अनाथ, अपाङ्गता भएका, द्वन्द्व पीडित, विस्थापित एवं जोखिममा रहेका बालबालिकालाई राज्यबाट विशेष संरक्षण र सुविधा पाउने हक हुनेछ ।
१०. उपधारा (४), (५), (६) र (७) विपरीत कार्य कानुन बमोजिम दण्डनीय हुनेछन् र त्यस्तो कार्यबाट पीडित बालबालिकालाई पीडकबाट कानुन बमोजिम क्षतिपूर्ति पाउने हक हुनेछ ।

यस अतिरिक्त संविधानका तल उल्लेख भए लगायतका धाराहरू बालबालिकाका लागि पनि आर्कषित हुनेछन्:

धारा १८. समानताको हक:	धारा २०. न्याय सम्बन्धी हक:
धारा २१. अपराध पीडितको हक:	धारा २९. शोषण विरुद्धको हक:
धारा ३१. शिक्षा सम्बन्धी हक:	धारा ३५. स्वास्थ्य सम्बन्धी हक:
धारा ३८. महिलाको हक	धारा ४० दलितको हक:
धारा ४२ सामाजिक न्यायको हक:	धारा ४३. सामाजिक सुरक्षाको हक:
धारा ५१ : राज्यका नीतिहरू	
धारा ५१: (भ) ३. बालश्रम लगायत श्रम शोषणका सबै रूपहरूको अन्त्य गर्ने,	
धारा ५१: (ब) ५. बालबालिकाको सर्वोत्तम हितलाई प्राथमिक रूपमा ध्यान दिने,	